

# JOURNAL

OF THE

## SENATE

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MON-  
DAY THE SEVENTH DAY OF DECEMBER 1818, AND OF THE  
COMMONWEALTH THE TWENTY-SEVENTH.

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## JOURNAL OF THE SENATE.

**A**T A GENERAL ASSEMBLY, begun and held for the commonwealth of Kentucky, at the capitol in the town of Frankfort, on Monday the seventh day of December, one thousand eight hundred and eighteen, and of the commonwealth the twenty-seventh.

It being the day appointed by law for the annual meeting of the general assembly, the following members of the senate appeared and took their seats, to wit:

From the county of Fayette, William T. Barry; from the county of Henry, Anthony Bartlett; from the counties of Woodford and Jessamine, William B. Blackburn; from the county of Bourbon, Jesse Bledsoe; from the county of Mercer, John L. Bridges; from the counties of Mason and Lewis, James Chambers; from the counties of Jefferson and Bullitt, Samuel Churchill; from the county of Hardin, James Crutcher; from the counties of Franklin and Gallatin, Henry Davidge; from the counties of Lincoln and Rockcastle, James Davidson; from the county of Garrard, John Faulkner; from the county of Shelby, James Ford; from the counties of Livingston and Caldwell, Dickson Given; from the counties of Pulaski and Casey, John Griffin; from the county of Washington, Thomas G. Harrison; from the counties of Warren and Allen, Francis Johnson; from the county of Madison, Humphrey Jones; from the counties of Montgomery and Estill, James Mason; from the counties of Adair and Green, William Owens; from the counties of Harrison and Bracken, Josephus Perrin; from the counties of Logan and Butler, Thomas S. Slaughter; from the counties of Bath, Floyd and Greenup, Benjamin South; from the counties of Campbell, Pendleton and Boone, Richard Southgate; from the county of Clark, Hubbard Taylor; from the county of Scott, David Thompson; from the county of Nelson, Martin H. Wickliff; from the county of Christian, Matthew Wilson; from the counties of Wayne and Cumber-

land, William Wood; from the counties of Muhlenburg, Hopkins and Union, William Worthington; and from the county of Barren, Joel Yancey.

The said William B. Blackburn, Henry Davidge, James Davidson, James Ford, Humphrey Jones, Josephus Perrin, Thomas S. Slaughter and William Worthington produced certificates of having been duly elected at the last general election; and having severally taken the oaths prescribed by the constitution and laws of this commonwealth, severally took their seats.

Who constituting a quorum, and the lieutenant-governor being absent exercising the office of governor, the senate then proceeded to elect a speaker for the occasion.

Mr. William B. Blackburn and Mr. Henry Davidge were severally nominated as proper persons to fill that office; and upon taking the vote, it stood thus:

For Mr. Blackburn—Messrs. Bartlett, Bledsoe, Bridges, Chambers, Churchill, Crutcher, Davidge, Davidson, Faulkner, Ford, Given, Griffin, Johnson, Perrin, South, Southgate, Taylor, Thompson and Yancey—19.

For Mr. Davidge—Messrs. Blackburn, Harrison, Jones, Mason, Owens, Slaughter, Wickliff and Worthington—8.

Whereupon Mr. William B. Blackburn was declared duly elected speaker of the senate for the occasion; who was forthwith conducted to the chair, from whence he made acknowledgments for the honor conferred on him, and recommended the preservation of order and decorum.

Willis A. Lee was then elected clerk, Anthony Crockett sergeant-at-arms, and David Johnson door-keeper, unanimously; who thereupon severally took the oaths of office, as prescribed by law.

*Ordered*, That a committee of propositions and grievances be appointed; and thereupon a committee was appointed, consisting of Messrs. Davidge, Bartlett, Ford, South, Davidson, Perrin, Thompson, Worthington, Wood, Griffin, Wilson, E. L. Gartin, Given and Harrison; and they are to adjourn from day to day, and take into consideration all propositions and grievances that may be referred to them from time to time, and to report their proceedings, together with their opinion thereupon, to the senate; and the said committee have power to send for persons, papers and records for their information.

*Ordered*, That a committee of privileges and elections be appointed; and thereupon a committee was appointed, consisting of Messrs. Parks, Mason, Wickliff, Crutcher and

Eye; and they are to meet and adjourn from day to day, and examine in the first place all the returns for the election of senators to serve in the present general assembly, and to compare the same with the forms prescribed by law; and to take into consideration all questions concerning privileges and elections, and report their proceedings, together with their opinion thereupon, to the senate; and the said committee have power to send for persons, papers and records for their information.

*Ordered*, That a committee for courts of justice be appointed; and thereupon a committee was appointed, consisting of Messrs. Barry, Taylor, Owens, Johnson, Yancey, Chambers, Churchill, Bledsoe, Jones, Hillyer, Bridges and Southgate; and they are to meet and adjourn from day to day, and take into consideration all matters relating to courts of justice, and such other matters as shall from time to time be referred to them, and report their proceedings, together with their opinion thereupon, to the senate; and the said committee are to inspect the Journal of last session, and draw up a statement of the matters then depending and undetermined, and the progress that was made therein; also to examine what laws have expired since the last session, and inspect such temporary laws as are near expiring, and to report the same to the senate, with their opinion which of them ought to be revived and continued; and the said committee shall have power to send for persons, papers and records for their information.

The senate then proceeded to the election of a clerk to the standing committees; Messrs. Western B. Thomas, Isaac Caldwell and Joseph Pollard being nominated, either as being proper persons to fill that office; and upon taking the vote, it stood thus:

For Mr. Thomas—Mr. Speaker, and Messrs. Bledsoe, Chambers, Churchill, Davidge, Ford, Given, Mason, Perrin, South and Southgate—11.

For Mr. Caldwell—Messrs. Bridges, Crutcher, Davidson, Faulkner, Griffin, Harrison, Johnson, Jones, Owens, Slaughter, Thompson, Wickliff, Wood and Yancey—14.

For Mr. Pollard—Messrs. Bartlett, Taylor and Worthington—3.

Neither candidate having a majority of the votes, the hindmost being dropt, and upon a second ballot, the vote stood thus:

For Mr. Thomas—Mr. Speaker, and Messrs. Bartlett, Bledsoe, Chambers, Churchill, Davidge, Ford, Given, Mason, Perrin, South and Southgate—12.

For Mr. Caldwell—Messrs. Bridges, Crutcher, Davidson, Faulkner, Griffin, Harrison, Johnson, Jones, Owens, Slaughter, Taylor, Thompson, Wickliff, Wood, Worthington and Yancey—16.

Whereupon Mr. Isaac Caldwell was declared duly elected.

*Ordered*, That the clerk of the senate be permitted to avail himself of the assistance of Jacob Swigert, in the execution of his office during the present session.

A message from the house of representatives, by Mr. Hardin :

*Mr. Speaker*.—I am instructed to inform the senate, that the house of representatives have formed a quorum, elected their officers, and are now ready to proceed to legislative business.

And then he withdrew.

*Ordered*, That a message be sent to the house of representatives, informing them that the senate having formed a quorum and elected their officers, are now ready to proceed to legislative business ; and that Mr. Bledsoe do carry said message.

*Ordered*, That the rules of last session be adopted as the rules during the present session, with the addition of the following amendment to the joint rules, to wit : After the 8th section—"All bills or resolutions passing from one house to the other, shall be considered in the orders of the day when reported, and shall take precedence of the business from the time the report is made, unless a special order to the contrary is made by the house receiving the report.

*Ordered*, That Mr. Jones do carry said amendment to the house of representatives, and request their concurrence.

*Ordered*, That the public printers forthwith strike 150 copies of said rules, for the use of the members of the senate.

A message from the house of representatives, by Mr. W. K. Wall :

*Mr. Speaker*.—The house of representatives have appointed four of their body, to act jointly with a committee of two on the part of the senate, to wait on the lieutenant-governor, and inform him that the legislature is organized, and are now ready to receive any communication he may think proper to make.

And then he withdrew.

Messrs. Crutcher and Mason were appointed on the part of the senate.

The committee then retired, and after a short time returned, and Mr. Crutcher reported, that the joint committee had performed the duty assigned them, and were informed by the lieutenant-governor that he would make a communication in writing, by way of message, to both branches of the legislature, in their respective chambers, on to-morrow at twelve o'clock.

And then the senate adjourned.

TUESDAY, DECEMBER 8, 1818.

The senate assembled.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Owens—1. A bill concerning the duties of the register of the land-office.

On the motion of Mr. Harrison—2. A bill to prevent the emanation of grants to certain lands in this commonwealth.

On the motion of Mr. Jones—3. A bill to release the state's claim to salt water in certain cases.

On the motion of Mr. Churchill—4. A bill to regulate inspectors' fees in this commonwealth.

On the motion of Mr. Johnson—5. A bill to take the sense of the citizens of this commonwealth on the propriety of calling a convention.

On the motion of Mr. Wood—6. A bill to extend the time for returning plats and certificates into the register's office, and for surveying certain lands in this commonwealth.

On the motion of Mr. Wickliff—7. A bill to amend the act establishing independent banks in this commonwealth.

And on the motion of Mr. Owens—8. A bill farther to regulate the debt due the commonwealth for the sale of vacant land.

*Ordered*, That Messrs. Owens, Johnson, Bledsoe, Slaughter and Barry be appointed a committee to prepare and bring in the first ; Messrs. Harrison, Bledsoe, Given, Johnson and Davidge, the second ; Messrs. Jones, Davidson, Griffin and Owens, the third ; Messrs. Churchill, Southgate, Chambers and Faulkner, the fourth ; Messrs. Johnson, Harrison, Wickliff, Jones and Owens, the fifth ; Messrs. Wood, Yancey, Slaughter, Johnson and Given, the sixth ; Messrs. Wickliff, Bridges, Bledsoe, Yancey and Barry, the seventh ; and Messrs. Owens, Johnson and Yancey, the eighth.

Mr. Owens, from the first committee, reported a bill ; which was read the first time, and ordered to be read a second time.



Mr. Bledsoe read and laid on the table the following resolution:

*Resolved by the general assembly of the commonwealth of Kentucky,* That a joint committee of five members of the senate, and ten of the house of representatives, be appointed to examine into and report the state of the Bank of Kentucky and its branches, and the causes of the late suspension of specie payments in the same.

And the rule of the senate being dispensed with, the said resolution was taken up, twice read and adopted.

*Ordered.* That Mr. Bledsoe acquaint the house of representatives therewith, and request their concurrence.

Mr. Owens presented the petition of the heirs and representatives of John Stapp, late of Adair county, representing that the deceased, previous to his death, made his will, but postponed the execution thereof until another time, and died without executing it; and that his representatives, under a mistaken apprehension of the power vested in them, have proceeded to sell a tract of land directed by the will to be sold; praying that a law may be passed to confirm the sale, and to authorise one of the representatives to convey the land; also to empower them to convey one other tract, sold by the decedent in his lifetime. Which was read, and with the accompanying document referred to the committee for courts of justice.

*Ordered,* That the sergeant-at-arms procure twelve copies of the acts of last session, for the use of the senate.

The senate received a message in writing from the lieutenant governor, by Mr. secretary Pope; which was read and laid on the table, as follows, to wit:

*Fellow-Citizens of the Senate,*

*and of the House of Representatives,*

I regret, that owing to the declining health of an affectionate and promising son, for some months past, I am unable to give you so full a view of the state of the commonwealth as I could wish to communicate. Under the pressure of domestic affliction the most distressing, I find some consolation in contemplating the enviable condition of our country. Our national character placed on the most elevated ground, free and happy at home, respected abroad, we seem to be blessed among the nations of the earth. Our arms have been triumphant by sea and land; but let us not forget, that during this season of internal tranquility, it is our duty to improve and mature our civil institutions. Unfortunately for the



freedom and happiness of mankind, they have been too much concerned about the affairs of other countries, to attend to those needful regulations of internal polity, upon which their security and welfare essentially depend. While it is our duty to be prepared to repel every assailant of our rights and honor, our chief object should be that of every just and wise government, to render the people free and happy. This is best attained by a diligent attention to our civil institutions. If these are wise and well regulated, if the internal administration of the state is faithfully conducted, the people have little to fear.

With regard to the pecuniary affairs of the penitentiary, I have nothing to communicate. You will be informed on that subject by the report of the auditor of public accounts, which will, I presume, be laid before you at an early period of your present session. It will be recollected, that this business, is, by law, particularly assigned to that officer. I again most earnestly solicit your attention to the state of the building; it is not sufficient to accommodate half the number confined, and is now in a state of rapid decay. I intreat you, generally, or by a large committee, to examine it, and the situation of the unfortunate victims of folly and vice there confined. The humane and philanthropic spirit of our country gave birth to the institution, and it will not, I hope, be abandoned. If this system of punishment and reformation is to be continued, both justice and humanity demand the attention and immediate interference of the legislature. The penitentiary house must be repaired and considerably enlarged. It is certainly the duty and policy of the government, to extend to those unfortunate and suffering beings, all the comfort and accommodation which their health requires, and is consistent with their condition and the end of their confinement. The thanks of the government are due to the Kentucky Auxiliary Bible Society, and the Lexington Independent Bible Society, for Bibles gratuitously furnished the penitentiary since the last session. Before I take leave of this subject, I must remind you that neither the keeper nor agent is authorised by law, to furnish those discharged, with even a small pittance to defray their expences until they can engage in some honest employment; nor are they entitled to ordinary clothing, to disguise the evidences of their past offences. It seems to me inconsistent with the design and spirit of the institution, to cast them off naked and penniless, with their marks of infamy exposed to public view.

The money appropriated by an act of the last legislature for the improvement of our internal navigation, has, I believe, been expended. Of the probable success of this experiment, I am not informed, nor has there been sufficient time to ascertain whether any lasting advantages are likely to result from it. The report of the commissioners to whom this business has been confided, will, I expect, throw some light on the subject. The object, however, is of too much importance to the people to be relinquished. Whether the mode adopted is the best, I will not decide; but that great improvements are practicable, no doubt can be entertained. Deeming the subject of vital importance to the agricultural and commercial interests of our state, I must recommend to the legislature a perseverance in the object, in the best mode which wisdom and experience may from time to time suggest.

I must again call your attention to the state of our public roads, so necessary and useful in the intercourse between different parts of the country, and the transportation of our produce to market. The capital necessary to make paved roads, the aversion of the people to paying tolls, and other circumstances, render a resort to some other mode necessary for their improvement and keeping them in repair. A levy for the purpose, allowing each individual to pay in work, on the road for which he may be taxed, has been tried with success in other states, and would probably succeed in this. For the information of travellers and militia companies, and as a guide to sheriffs and other officers, I would suggest the propriety of providing by law for placing sign boards or stones on the different roads, at the crossing of a county line, to designate it. The expence would be small, and the measure useful and convenient.

Several applications have been made to me to release large tracts of land, forfeited for failure to enter them for taxation, or stricken off to the state for taxes due. The applicants seem to rely on the ground, that the failure to enter and pay the taxes has been occasioned by the fraud and negligence of agents, and other circumstances entitling them to the lenity of the government. Although cases of this kind may be within the scope of the executive power, it is so intimately connected with the revenue of the commonwealth, and may be so serious in its consequences, that I deem it advisable to present the subject to your notice. Permit me to suggest the justice and expediency of passing a law providing for those cases in which satisfactory evidence shall be adduced, that the

failures have happened in consequence of the fraud or misconduct of agents, and other causes not imputable to the negligence of the owners. How far, and in what cases relief ought to be extended, is most respectfully submitted to your consideration.

I beg leave once more to suggest the expediency of commencing a state library at the seat of government. Besides its general utility, such an establishment is necessary for the convenience and information of the members of the legislature, judges of courts, and other public officers. It is believed that the surplus reports of the decisions of the court of appeals, the property of the commonwealth, with a small annual appropriation, would be sufficient for the object.

On the subject of education, I have nothing to add to my last communication. I have only at this time to remark, that we have neither free schools for the education of the poor, nor colleges, nor universities, sufficiently endowed to vie with the literary institutions of our sister states. I have on former occasions given my views so much at large, in favor of a perfect method of education, that I feel reluctant to press it again on your attention. In my last communication I recommended to the legislature to lay off the state into school districts, for the convenience of the poorer part of the people; but they seem to have thought it better to accommodate the country with a number of banks, than good schools.

The condition of our banks, and especially of the state bank, in which the commonwealth has a large interest, lately compelled to suspend specie payments, as I understand, by a pressure, for specie, from the United States' bank; the refusal of that bank to pay the tax imposed on her branches located in this state, are subjects of primary importance, and claim the early attention of the legislature. Whether congress can erect an immense monied corporation, with power to locate branches in the different states without their consent, and exempt the stock and capital employed from the common burthen of taxation, to which the stock and capital of the state institutions are subject, is a question of some novelty, and of the first magnitude. If the power of taxing has been improperly assumed by the legislature, it ought to be disclaimed, and the law repealed; but if upon an impartial and dispassionate review of the subject, you should be convinced that the power exists, the representatives of the people owe it to themselves, and to the state, to enforce it.

In making these suggestions, I beg leave to assure you and my countrymen generally, that I am not prompted by any

particular hostility to the national bank, or a disposition to excite unfounded or unworthy prejudices against it. I am conscious only of a salutary zeal for the rights and independence of the state over which I have the honor to preside. I am indeed, ready to confess, that my sentiments or perhaps prejudices, ever have been, and still are strongly against the banking system. Time and experience instead of conquering these prejudices, have tended to confirm them. I have ever viewed these monied corporations with jealousy. I consider the corporate powers and privileges conferred on them, as so much taken from the power of the people, and a contrivance to rear up in our country, a monied aristocracy. Money is power in whatever hands it is placed; but it is less dangerous when divided amongst individuals, than when combined and organized in the form of banks. In vain did the American people during their struggle for liberty and independence, destroy the landed aristocracy, then existing under the law authorising estates to be entailed, if a monied aristocracy is to be substituted. Instead of having our national and state legislatures filled with men representing the feelings and interest of the great agricultural class of the community, I fear we shall see the towns through the country, with the aid of those banking aristocracies greatly preponderate on the legislative floor. I must ever be opposed to any system of policy, which independent of its pernicious and corrupting influence in other respects, tends to diminish, if not destroy the weight and influence of the farming interest, upon whose virtue and independence the duration of our free institutions so essentially depends.

While this system exists in the other states, Kentucky can do little to rescue the country from the evils and anti-republican tendencies of these monied corporations. Let us therefore invite a co-operation in some plan, co-extensive with the union, to redeem this young and rising republic, from the mischiefs and dangers of this paper system before it is too late. If permitted to progress and interweave itself with all the interests and concerns of society, it may in a more advanced and dense state of our population, explode in a convulsion of the government. The disease, it is true, has taken deep root, but the American republic is young, and by a vigorous and determined effort, may in a few years exterminate it. Some time may be necessary to enable those institutions to wind up. To effect so desirable an object, I would recommend to the legislature, to propose an amendment to the federal constitution, providing that after a certain period, no in-

corporated bank should exist in the United States, or if this should be thought going too far, and banks in any shape or to any extent, are useful and necessary, let the banking power be limited, and the system so regulated and restricted as to secure the community against the wide spread ruin and mischief with which we are threatened. These observations are not dictated by any design to awaken an improper indignation against the United States' bank, or to encourage an unconstitutional opposition to its legitimate operations. No patriot, no American, who holds in just estimation, the free principals of constitutional government, for which our ancestors bled, would consent to inflict a wound on our sacred constitution for any amount this gigantic corporation could pay. I most sincerely exhort you to give the question an impartial and dispassionate consideration, unbiased by state pride, or state jealousy. If, after a mature and candid examination of the subject, you shall be convinced of the constitutional right of the state to impose the tax, I would recommend an amendment or modification of the act imposing the tax, so as to authorise its collection by distress or attachment. If, as I have supposed, the right exists, it ought to be maintained; and I am ready to admit, that my partialities are on the side of the state institutions. The cardinal point, however, with me, is not so much what bank shall prevail, as how the country is to be saved from the evils and oppressions of both.

As the charter of the bank of Kentucky will, if not renewed, expire on the last day of December, 1821, it would seem to me proper for the legislature at their present session, to decide on the expediency of re-chartering it. Considering the time it has been in operation, the extent of its business, and the number of its branches, three years will be little time enough to close its concerns. If the legislature should be opposed to continuing the bank, under any modifications, I would advise the passage of a law, authorising the principal banks and branches to receive the stock at par, in payment of debts. This would enhance the value of the stock and facilitate the collection of debts.

The frauds and swindling practised on the community, by banking institutions, have erected among the people a distrust of bank paper, generally, a circumstance which operates injuriously upon banks of the soundest capital, and under the best management. To guard the public as far as practicable against a false and delusive currency, is among the first duties of the government, and in order to insure a faithful and



punctual redemption by the banks of the paper they may issue, I would recommend some cautionary provisions, which instead of injuring would be highly beneficial to banks, founded on solid capital and under prudent management ; and at the same time operate as a salutary check on those of a different description. Among other things I would recommend the passage of a law, making the stockholders and directors of every bank responsible to a reasonable extent, in their individual capacities, for the notes that may be issued. Doubts may be entertained by some of the power of the legislature to alter or amend acts of incorporation, and in my mind, there was some difficulty on the first view of the subject ; but without deciding on the power of the legislature to repeal an act of incorporation, any modification or amendment which may be necessary and proper to secure the people against frauds and abuses, seems to me to be within the legitimate power of the government, without revoking the corporate privileges granted. Such a visitorial superintending authority is inherent in the sovereignty from which they emanate, and essential to the safety of the community.

I have during the last recess received sundry communications from executives of other states, which will in a few days be laid before you.

I cannot close this communication without congratulating you, and my fellow-citizens generally, on the flattering posture of our national affairs, as portrayed in the late message of the President of the United States to both houses of congress. Our finances in a flourishing state, peaceful and honorable relations maintained with all the world, the constitutional land-marks preserved inviolate, Indian hostilities almost extinguished, new states emerging from the western wilderness, and receiving the hand of fellowship from the elder members of the federal family ; and I would add a degree of harmony, toleration, independence and intelligence, pervading our country hardly before witnessed in this, without an example in the history of other nations. Heaven seems indeed, to be lavishing her bounties with partial hand on this infant republic. And can a people thus favored, ever forget God ? Impossible ! Let our hearts then, be deeply penetrated with a sense of gratitude and love to our great benefactor, the author of every good thing.

GABRIEL SLAUGHTER.

Frankfort, December 8th, 1818.



*Ordered*, That the public printers forthwith strike 300 copies of said message, for the use of the senate.

The speaker laid before the senate a letter from the president of the Bank of Kentucky; which was read as follows, to wit:

BANK OF KENTUCKY, 8th Dec. 1818.

SIR—The late suspension, and subsequent resumption of specie payments by the Bank of Kentucky and its branches, are measures of sufficient importance to render an investigation of the circumstances that led to them, desirable, both to the public and the directors of this institution. The directors are anxious to submit their own conduct, and the motives which have governed them, to the view of the legislature, not only in justification of the measures alluded to, but because they believe the causes that decided their conduct, are closely connected with those which have produced the present embarrassments of the country. I am, therefore, instructed by the board, to solicit from the senate and house of representatives an early opportunity of laying before them the causes which in their opinion have rendered those measures expedient, and which, from their continued operation, must add to the embarrassments already felt, unless means can be found to check them.

I am, very respectfully,

Sir, your most obedient servant,

ROBT. ALEXANDER, *Pres't.*

*The honorable the Speaker of the Senate.*

And then the senate adjourned.

WEDNESDAY, DECEMBER 9, 1818.

The senate assembled.

The following bills were reported from the committees appointed to prepare and bring in the same, to wit:

By Mr. Bledsoe—A bill to prevent the emanation of grants to certain lands in this commonwealth.

By Mr. Owens—A bill further to regulate the debt due the commonwealth for the sale of vacant land.

Which were severally read the first time, and ordered to be read a second time; and the rule being dispensed with, the former was read a second and third time; and having been engrossed,

*Resolved*, That the said bill do pass, and that the title be "an act to prevent the making of entries, surveys, and the

emanation of grants for certain lands in this commonwealth."

*Ordered*, That Mr. Bledsoe do carry said bill to the house of representatives, and request their concurrence.

The senate received a message in writing from the lieutenant-governor, by Mr. Waggener, which was taken up and read as follows, to wit:

*Gentlemen of the Senate,*

Having received, since the commencement of the present session, the resignation of James Parks, a member of the senate from the counties of Fleming and Nicholas, I herewith lay it before you, that a writ of election may issue to fill the vacancy, deeming the power given to the executive to issue writs of election to be in force only during the recess.

GABL. SLAUGHTER.

Dec. 9th, 1818.

MOUTH OF FLEMING, FLEMING COUNTY, KY.

December 1st, 1818.

*Gabriel Slaughter, Esq. lieutenant governor, and acting governor of Kentucky.*

DEAR SIR—Please to accept my resignation of the office of senator, for the senatorial district composed of the counties of Fleming and Nicholas, as I hereby do resign the same. Given under my hand the date aforesaid.

JAMES PARKS.

Whereupon Mr. Bledsoe offered the following resolution:

*Resolved*, That a writ of election do issue, directed to the sheriffs of the counties of Fleming and Nicholas, commanding them, by the qualified voters of their said counties respectively, on the 17th day of this month, and to continue the polls open for the two next succeeding days, if required, they cause to be elected a fit person to represent the senatorial district composed of said counties, in the place of James Parks, resigned.

Which being twice read was adopted.

A message from the house of representatives, by Mr. Underwood:

*Mr. Speaker*—The house of representatives concur in the resolution from the senate, for the examination of the Bank of Kentucky and its branches, and have appointed a committee on their part. They concur in the resolution from the senate, for adopting an additional joint rule with an amendment, in which they request the concurrence of the senate.

And then he withdrew.

The said amendment was then taken up, twice read and concurred in.

*Ordered*, That Mr. Jones inform the house of representatives thereof.

Messrs. Bledsoe, Wickliff, Churchill, Crutcher and Chambers were appointed a committee on the part of the senate, in conformity to the joint resolution for the examination of the Bank of Kentucky and its branches.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Jones—1. A bill limiting the time for which deputy sheriffs may continue in office.

On the motion of Mr. Owens—2. A bill for the relief of Francis and Sanderson Petty.

On the motion of Mr. Harrison—3. A bill for the appropriation of the vacant land in this commonwealth.

On the motion of Mr. Wickliff—4. A bill to incorporate the Beech Fork Navigation Company.

On the motion of Mr. Owens—5. A bill appointing commissioners to view a way for a state road from Danville to the Tennessee line, on a direction to intersect the national road from New-Orleans to the Muscle Shoals.

On the motion of Mr. Owens—6. A bill to amend the act entitled "an act for the improvement of internal navigation."

On the motion of Mr. Wilson—7. A bill to increase the pay of the members of the general assembly.

On the motion of Mr. Johnson—8. A bill further to regulate the circuit courts of this commonwealth.

And on the motion of Mr. Faulkner—9. A bill to amend the act entitled "an act to amend and reduce into one the several acts respecting the militia."

*Ordered*, That Messrs. Jones, Crutcher, Barry and Johnson be appointed a committee to prepare and bring in the first; Messrs. Owens, Barry and Slaughter, the second; Messrs. Harrison, Barry, Wilson, Johnson and Given, the third; Messrs. Wickliff, Harrison, Crutcher and Churchill, the fourth; Messrs. Owens, Bridges, Harrison, Johnson, Yancey, Slaughter and Wood, the fifth; Messrs. Owens, Johnson, Faulkner, South and Jones, the sixth; Messrs. Wilson, Chambers, Bledsoe and Johnson, the seventh; Messrs. Johnson, Bledsoe, Davidge, Barry and Bridges, the eighth; and Messrs. Faulkner, South, Perrin, Jones, Thompson and Davidson, the ninth.

Mr. Crutcher moved for leave to bring in a bill to repeal the act for the improvement of internal navigation; and the

question being taken on granting leave, it was resolved in the negative—Yeas 9, nays 18.

The yeas and nays being required by Messrs. Crutcher and Bridges, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Chambers, Crutcher, Given, Griffin, Mason, Slaughter, Wilson and Wood.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Barry, Bledsoe, Bridges, Churchill, Davidge, Faulkner, Ford, Johnson, Jones, Owens, Perrin, Southgate, Taylor, Thompson, Wickliff, Worthington and Yancey.

And so the leave was refused.

*Ordered*, That the sergeant-at-arms be directed to procure an entire set of chairs and tables for the senate chamber, and dispose of the tables and settees now belonging to it, for the best price that can be had.

A bill concerning the duties of the register of the land-office, was read a second time, and committed to a committee of the whole house on the state of the commonwealth.

And then the senate adjourned.

#### THURSDAY, DECEMBER 10, 1818.

The senate assembled.

*Ordered*, That a joint committee for enrolled bills be appointed on the part of the senate; and thereupon a committee was appointed, consisting of Messrs. Chambers, Yancey, Churchill, Faulkner and Slaughter.

Mr. Barry, from the committee for courts of justice, made the following report, to wit:

The committee for courts of justice, have, according to order, had under consideration the petition of the heirs and representatives of John Stapp, deceased, late of Adair county, representing that said Stapp, a short time previous to his death, had written and prepared for execution an instrument of writing, intended by him for his last will and testament, and that said decedent at that time, from some casualty, had postponed the signing of said instrument, and that he finally died without signing and legally executing said instrument of writing, so as to give to it the force and effect of a last will and testament; and that the administrators of said decedent, supposing that said instrument of writing invested them with such power, did proceed to sell, and have actually sold certain lands therein directed to be sold; and praying

that a law may be passed confirming said sales, and establishing said instrument of writing as the last will and testament of said decedent, and authorising some one or more of said administrators to convey to one of said heirs a tract of land, stated to have been sold to said heir by said decedent in his lifetime. Thereupon said committee have come to the following resolution, to wit:

*Resolved*, That said petition *be rejected*.

Which being twice read, was concurred in.

A message from the house of representatives, by Mr. Underwood:

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act to authorise the editors of certain papers to insert certain advertisements;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was then taken up and read the first time; the rule being dispensed with, it was read a second time, amended at the clerk’s table, and read a third time.

*Resolved*, That the said bill as amended do pass, and that Mr. Owens inform the house of representatives thereof, and request their concurrence in the amendment.

The bill further to regulate the debt due the commonwealth for the sale of vacant land, was read a second time, and ordered to be engrossed and read a third time.

Mr. Wickliff read and laid on the table the following resolution, to wit:

*Resolved by the general assembly of the commonwealth of Kentucky*, That a joint committee of three from the senate and six from the house of representatives, be appointed to examine and report the state of the treasurer’s office; and that four from the senate and ten from the house of representatives, be appointed to examine the register’s office, and report the state of the same; and that five from the senate and fifteen from the house of representatives, be appointed to examine and report the state of the auditor’s office.

And thereupon, the rule of the senate being dispensed with, the said resolution was taken up, read and adopted.

*Ordered*, That Mr. Wickliff acquaint the house of representatives therewith, and request their concurrence.

Mr. Barry read and laid on the table the following resolution, to wit:

Whereas the interest of the United States requires that a preference should be given to those articles that are the growth and manufacture of our own country, and that we ab-



stain from the use of European commodities, when those of our own country are to be procured upon reasonable terms :

*Resolved by the general assembly of the commonwealth of Kentucky,* That it be recommended to the good people of this commonwealth, to use every exertion to promote domestic manufactures ; and the members of the general assembly, in order to effect this object, and bring them into general use, will, as soon as practicable, clothe themselves in productions of American manufacture, and will discourage the use of those of European fabric.

*Resolved,* That it be recommended to all officers of government of this state, and the members of the senate and house of representatives of this state in congress, to clothe themselves (especially when acting in their public capacities) in the manufactured goods of our own country ; and to use all practicable means to introduce them into domestic and general use, in preference to those of foreign importation.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Owens—1. A bill for the relief of the administrators of John Stapp, deceased.

On the motion of Mr. Bledsoe—2. A bill to provide for the revision of the statutes of this commonwealth.

On the motion of Mr. Owens—3. A bill for the benefit of Daniel Trabue.

*Ordered,* That Messrs. Owens, Barry, Griffin and Southgate be appointed a committee to prepare and bring in the first ; Messrs. Bledsoe, Barry, Bridges, Southgate, Davidge and Owens, the second ; and Messrs. Owens, Perrin, Bartlett, Jones and Faulkner, the third.

Mr. Owens, from the first committee, reported a bill ; which was read the first time, and ordered to be read a second time.

Mr. Churchill, from the select committee appointed for that purpose, reported a bill to regulate the fees of inspectors in this commonwealth ; which was read the first time, and ordered to be read a second time.

And then the senate adjourned.

FRIDAY, DECEMBER 11, 1818.

The senate assembled.

The speaker laid before the senate reports from the commissioners appointed for the Kentucky river, under the act of the last session, entitled "an act for the improvement of



internal navigation ;" which were taken up and read as follows, to wit :

*To the honorable the General Assembly of the Commonwealth of Kentucky.*

We the undersigned, two of the commissioners appointed by the legislature, on the — day of January 1818, to superintend the improvement of the navigation of the Kentucky river, together with Daniel Garrard, met in the town of Frankfort, on the — day of May last past, and after entering into bond and taking the oath required by said act, came to the following agreement, to wit : That is, they laid off the river into three precincts; the first, from the mouth of said river to the permanent bridge; second precinct, from the said bridge to the mouth of Jack's creek, in Madison county: and the third precinct, from the mouth of Jack's creek to the Goose creek salt-works, and the several tributary streams. The first precinct was allotted to Richard Taylor, the second to John Yantis, and the third to Daniel Garrard.

JOHN YANTIS, C. K. R.

RICHARD TAYLOR, C. K. R.

December the 10th, 1818.

*To the honorable the General Assembly of the Commonwealth of Kentucky.*

GENTLEMEN—Pursuant to an act of the legislature of this commonwealth aforesaid, passed on the — day of January 1818, entitled "an act for the improvement of internal navigation," and in conformity to an agreement entered into by the board of commissioners for the Kentucky river and its navigable branches, entered into in the town of Frankfort, on the — day of May last; the undersigned, one of the commissioners, begs leave to submit the following as his detailed report, to wit :

He proceeded, early in the month of June, to procure tools to work with, provisions and cooking utensils; also to hire hands, to commence as early as the season would permit; and did commence his operations on the 21st day of the same month, with twenty-five laborers, to remove such obstructions, both natural and artificial, as your commissioner conceived to be the most detrimental to navigation.

Your commissioner found, from the mouth of Jack's creek, in Madison county, to Frankfort, the distance computed at about 130 miles. He found 33 fish-dams; all of which your commissioner has had removed, or so much of them as he deemed necessary. Your commissioner found a vast number of old trees, that had been washed into the river in the

times of high water, confined by either the roots or limbs in the sand or rocks. Your commissioner succeeded in removing a large portion of them; but owing to the frequent swells of the water in the months of July and August, he was prevented from accomplishing that object, to his wishes; consequently there are many yet in the river. A third kind of obstructions, were bending trees, growing on the banks at short bends and hanging over the river; the most of which are removed—principally taken out by the roots, and cut in short pieces. The fourth kind of obstructions, are bars thrown in the river by creeks and rivulets. Your commissioner has taken some short points off them; but much of this kind of improvement yet remains to be done, by still removing more of the bars or islands, and turning the creeks immediately down with the current of the river. The most of them, and almost universally, they run in at right angles, throwing in rock and sediment, which make the bars or islands; which your commissioner is of opinion it is practicable to remove, which would also much improve navigation. The fifth kind of obstructions, are rocks of a large size, which have fallen from the cliffs into the river. Your commissioner, not deeming them so much in the navigator's way as the foregoing obstructions, has removed but few of them; but does conceive they ought to be removed, and that it is practicable to remove them. He is also of the opinion, it would be of much advantage to the navigation of said river, at some ripples, to turn the present channel, by short canals, and wing-dams.

Your commissioner, for the foregoing purposes, has expended the sum of \$ 2774 13, which will more fully appear by a reference to my abstract account, filed in the auditor's office.

I am, with high respect, &c.

JOHN YANTIS.

Dec. 10th, 1818.

*Ordered*, That the said reports be laid on the table.

The speaker laid before the senate reports from the commissioner's appointed to superintend the improvement of the navigation of Green river, under the act of the last session, entitled "an act for the improvement of internal navigation;" which were taken up and read as follows, to wit:

GLASGOW, March 9th, 1818.

This day the commissioners appointed by an act of the legislature of the commonwealth of Kentucky, approved January —, 1818, to superintend the removal of obstructions to

navigation in Green river and its navigable branches, met, and entered into bond with security, agreeable to the above recited act; and resolved that Col. Samuel Murrel file said bond in the secretary's office, and that he make the necessary arrangements for drawing the money appropriated for the above purpose. And it is further resolved, that the undersigned commissioners hold their next meeting at the Vienna falls of Green river, on the 25th day of April next.

DAVID C. DONAN,  
SAMUEL MURREL,  
S. WORTHINGTON.

(Signed)

VIENNA FALLS OF GREEN RIVER, 25th April, 1818.

The commissioners aforesaid, met agreeable to appointment; and upon mature deliberation, were of opinion, that the business could be expedited to greater advantage, by each commissioner superintending at different points: Whereupon,

*Resolved*, That David C. Donan commence at such point of Green river, above the mouth of Big Barren river, as he may deem proper; and that Samuel Murrel commence his operations on Big Barren river; and S. Worthington, at the Vienna falls of Green river, conformable to a plan agreed upon; which is, to place a line-dam parallel with the left bank of the river, so as to form a sluice of one hundred feet wide, for the passage of boats; a plan of which is to accompany the report. And that each commissioner make his own report, which three reports shall constitute the detailed report required to be made to the legislature the first week of their session.

DAVID C. DONAN,  
SAMUEL MURREL,  
S. WORTHINGTON.

*To the honorable the General Assembly of the Commonwealth of Kentucky.*

In pursuance to an act of the general assembly, passed on the — day of January 1818, entitled "an act for the improvement of internal navigation," your commissioner (one of the commissioners for Green river) will endeavor to give, in part, the detailed report required by said act.

Your commissioner, conformable to resolutions entered into by the board, marked No. 1, (and which he begs leave to make a part of this report) proceeded to purchase the necessary tools and provisions, and actually commenced work, at the Vienna falls of Green river, on the first day of June. The board determined to render the falls aforesaid navigable,

as stated in their resolutions, and as shown by the enrolled drawing marked (D), referred to in said resolutions. Here follows the work done at said falls: The line-dam is extended upwards of four hundred yards long, though not completely filled in with rock; it however can be accomplished in ten days by thirty hands. A large quantity of timber is also prepared and hauled to the bank of the river. Here follows a written description of the plan, designed to render said falls navigable: The line-dam was made by placing hewed timbers, ten by fourteen inches in size, nicely fitted to the bottom, six feet eight inches apart, fastened together with ties let in with a dovetail, every five or six feet; an iron bolt, weighing from four to five pounds, was let through the end of each top sill into the bottom sill, and the joints carefully broke; the space between the timbers was then filled in with rock. This dam is twenty-eight inches in height, and six feet eight inches in width, as before stated; and is designed to be about 500 yards long. Upon accomplishing this dam, it was intended to throw a temporary dam from the upper end of the line-dam to the bank, thereby excluding the water from the intended channel; the rock (which is a kind of slate rock) will be cut out of the channel, from 15 to 18 inches deep, and 35 feet wide; three abutments will then be built, to answer the several purposes of confining the water to a narrower channel to prevent boats from striking the shores, and to prevent the bank from washing away. The temporary dam will then be removed, and a wing-dam, twelve feet wide, built in the same manner of the line-dam, thrown from the north and upper end of the line-dam, so far across the river as to raise the water to the top of the line-dam. This being effected, the falls will be navigable, at the lowest stages, for boats drawing four and a half feet water.

Similar measures, though upon a much smaller and less expensive scale, will have to be adopted at Milligan's, Night's and Vinegin's falls.

The amount of money placed in my hands, was \$4000; the amount expended at the Vienna falls, \$3561 25, and a residue in my hands of \$447 75; all of which is shown in my account filed with the auditor. And the whole respectfully submitted.

S. WORTHINGTON.

December, 1818.

*To the honorable the General Assembly of the Commonwealth of Kentucky.*

GENTLEMEN—Pursuant to an act of the legislature of this commonwealth, approved January 1818, entitled “an act

for the improvement of internal navigation," and in conformity to a resolution entered into by the board of commissioners for Green river and its navigable branches, held at the Vienna falls, April 25th, 1818, which appears in report No. 1, the undersigned, one of the commissioners aforesaid, begs leave to make the following report, to wit:

Proceeded to hire hands, engage provisions and purchase suitable implements; in the month of July, repaired to Big Barren river in person, with twelve laborers; continued with them generally, and in the course of the summer succeeded in removing the most detrimental obstructions to the navigation, from the junction of the two rivers to Shipley's mill; computed distance by water, 150 miles; the expenditures amounting to \$1134 8½; which will more satisfactorily appear by a reference to an abstract of accounts filed in the auditor's office.

Your commissioner will observe, that owing to frequent swells of the water, he was prevented from removing many obstructions which still remain; but upon the whole, has no hesitation in stating, that the advantages gained, so far as labor has been done, are considerable; as a boat can sail on a tide of four feet water, with greater safety now, than she could on eight before the improvement; yet there remains much to be done. From the junction of the two rivers to the Vienna falls, nothing is done, except some rocks blown near Morgantown. Little doubt remains, should next season be dry, and the waters continue low during the summer, but that the navigation of those rivers may be made entirely secure.

Your commissioner would beg leave to submit a few remarks. In all public measures, that meet the approbation of the people, more or less enthusiasm attaches: In no one that has come under my notice, more than the present one for the improvement of internal navigation. Whilst a few execrate the measure, the majority appreciate it in a high degree. Some would have every little rivalet converted into a navigable stream. Having had a view of all the tributary streams that fall into Big Barren river, I am clearly of opinion, that not one of them can be useful for navigation; but if reserved for the purposes of mills and other water-works, would ultimately prove advantageous to the community. Bridges across, or partial dams in a navigable stream, for the purpose of erecting water-works, cannot fail to be ob-



structions, and render the passage of boats more unsafe than they would otherwise be.

With due respect, &c.

SAMUEL MURREL.

December 1st, 1818.

*To the honorable the General Assembly of Kentucky.*

David C. Donan, one of the commissioners for opening and improving the navigation of Green river and its navigable branches, reports to your honorable body: That he commenced opening and clearing the aforesaid river, at the mouth of Robeson's creek, and has rendered said river, from thence down, passing Greensburgh, to the mouth of Big Barren river—which has always been the most difficult and dangerous navigation, owing to the numerous islands, rocks and short bends in the river—so safe and free from obstructions, that a boat may now pass in more safety, with two and a half feet less water than formerly; a distance of about 250 miles. He further states, that he has drawn out of the river all of the most prominent and dangerous trees and roots; he has blown and taken out of the river eight rocks, of the following description: 1st, About ten feet long, four feet wide and six feet high; 2d, ten feet long, eight feet wide and five feet high; 3d, six feet long, five feet wide and five feet high; 4th, twelve feet long, six feet wide and four feet high; 5th, about fifteen feet square, and four feet high; 6th, fifty feet long, twenty feet wide and sixteen feet high. This last has been the most dangerous rock in Green river, and the most dreaded by navigators, in consequence of its lying across the stream in a short bend of the river. Also two other rocks, lying below the mouth of Nolin creek, nearly thirty feet square, have been removed. He has removed about fifty fish-dams, cut away and cleared out the obstructions in the short bends, so that boats can pass close to the shore without injury from limbs of trees or drift-wood. From Robeson's creek up the river, nothing has been done; but much is necessary to be done. On Robeson's creek, Nolin, Ruff creek and Pond river, nothing has been done. Knowing that in one season the whole could not be effected, he turned his attention to those parts, the clearing out of which would most promote the public good. There are still some trunks of trees, lying low in the channel of the river, though not very dangerous, which it would be well to remove. Below the mouth of Big Barren river, much remains to be done. There are snags and trees standing, against which large piles of drift are lodged in deep water, which



are very dangerous and difficult to pass at any time, and especially in low water. There are several large and dangerous rocks below the mouth of Nolin, as also in Nolin creek. He further states, that he has not used the whole of the money put into his hands; as he thought, owing to the approaching season, he could not make an advantageous application of it. He has received on his part, as one of the commissioners, the sum of \$ 3333 34; he has expended, as will appear from his account, legally attested and placed in the auditor's office, \$ 2586 00 $\frac{3}{4}$ ; remaining in his hands, the sum of \$ 747 33 $\frac{1}{4}$ .

All of which he respectfully submits.

DAVID C. DONAN.

December, 1818.

*Ordered*, That the said reports be laid on the table.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined an enrolled bill entitled "an act to authorise the editors of certain papers to insert certain advertisements," and found the same truly enrolled.

A message from the house of representatives, by Mr. Barr:

*Mr. Speaker*—The speaker of the house of representatives having signed an enrolled bill, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

The speaker then signed the said bill, being the same just reported by Mr. Yancey; and it was delivered to the joint committee of enrolments, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Yancey reported that they had performed that duty.

Mr. Johnson presented the petition of sundry citizens of Bowling-Green and Warren county, praying the passage of a law incorporating the Bowling-Green Bridge Company, and to authorise them to erect a toll bridge across Big Barren river.

Also the petition of William Bratton, and sundry citizens of Warren county, praying that he may be authorised to erect a dam with locks, across Big Barren river, where he has erected a grist-mill.

Which were severally read, and referred to the committee of propositions and grievances.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Chambers—1. A bill for the benefit of Charles Willot, sen.

On the motion of Mr. Churchill—2. A bill to appoint a port warden for the town of Louisville.

And on the motion of Mr. Crutcher—3. A bill to alter the time of meeting of the general assembly.

*Ordered*, That Messrs. Chambers, Bledsoe and Owens be appointed a committee to prepare and bring in the first; Messrs. Churchill, Chambers, Southgate and Davidge, the second; and Messrs. Crutcher, Taylor, Slaughter and Churchill, the third.

Mr. Chambers, from the former committee, reported a bill, which was read the first time; and the rule being dispensed with, it was read a second time, and committed to Messrs. Johnson, Chambers and Owens.

*Ordered*, That the committee of the whole house on the state of the commonwealth, be discharged from the further consideration of the bill concerning the duties of the register of the land-office.

The said bill was taken up, amended at the clerk's table, and ordered to be engrossed and read a third time.

A message from the house of representatives, by Mr. Hunter:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act for the benefit of part of the children of William Sthreshly, deceased;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was then taken up, read the first time, and the rule being dispensed with, it was read a second time and referred to the committee for courts of justice.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Wood—A bill to extend the time for returning plats and certificates into the register's office, and for surveying certain lands in this commonwealth.

By Mr. Wilson—A bill to increase the pay of the members of the legislature.

The said bills were severally read the first time; and the rule being dispensed with, they were read a second time. The former was ordered to be engrossed and read a third time, and the latter was committed to a committee of the whole house on the state of the commonwealth.

And thereupon the senate immediately, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Davidge in the chair; and after some time spent therein, Mr.

Speaker resumed the chair, and Mr. Davidge reported, that the committee had taken into consideration said bill, and had gone through the same with amendments, which he handed in at the clerk's table; which were severally twice read and concurred in.

*Ordered*, That the said bill as amended be engrossed and read a third time.

Mr. Ford read and laid on the table the following resolution, to wit:

*Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky*, That they will proceed, on Thursday the 17th of this inst. to the election of a senator in congress for the ensuing six years.

An engrossed bill further to regulate the debt due the commonwealth for the sale of vacant land, was read a third time and laid on the table.

Bills for the relief of the administrators of John Stapp, deceased, and to regulate the fees of inspectors in this commonwealth, were severally read a second time. The former was ordered to be engrossed and read a third time, and the latter laid on the table.

The resolution for the encouragement of domestic manufactures, was taken up and unanimously adopted.

*Ordered*, That Mr. Barry inform the house of representatives thereof, and request their concurrence.

And then the senate adjourned.

SATURDAY, DECEMBER 12, 1818.

The senate assembled.

The speaker laid before the senate a letter from the auditor of public accounts, covering certain official statements, which were laid on the table as follows, to wit:

AUDITOR'S OFFICE, Dec. 11th, 1818.

*Wm. B. Blackburn, Speaker of the Senate,*

You will please give to the senate the accompanying statements, Nos. 1 to 7.

Your obedient servant,

J. MADISON, *Aud.*

## No. 1.

*A statement of monies received and paid at the treasury, in the year ending on the 10th day of November 1818.*

## RECEIVED.

For revenue collectable by sheriffs,

for the year 1806,	251 08	
ditto 1808,	103 26	
ditto 1809,	185 50	
ditto 1814,	1,148 29	
ditto 1816,	53,977 58	
ditto 1817,	2,178 30	
	<hr/>	57,844 01

For taxes on law process, deeds, seals, and other public documents, viz.

Clerks of courts,	8,056 10	
Register,	1,054 23	
Secretary,	20 90	
	<hr/>	10,031 23

For tax on non-residents' land, including amounts paid for the benefit of purchasers,

5,669 24

For fines and forfeitures of recognizances,

1,415 34

For dividends on the state stock in the Bank of Kentucky, viz.

For the 6 months ending 1st Jan. 1818, 23,447 54  
ditto 1st July 1818, 21,699 93

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45,147 47

For tax on stock owned by individuals in the Bank of Kentucky,

5,990 62

For the sale of stray horses, residents' land, &c. &c. &c.

220 34

Of John P. Thomas, ex-treasurer, for interest and costs, over and above \$26,607 86, for which he was in default on the 30th of January 1818,

785 90

For funds appropriated for bank stock, viz.

Lands granted under the acts of 1795,

1797 and 1800, termed "head-rights,"

19,373 15

Ditto, act of February 6th, 1815,

17,865 04

Ditto, Tellico,

193 05

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37,431 24

From the agent of the penitentiary,

16,175 56

Total amount received in the year,

---

180,710 95

## THE SENATE.

31

Balance of the treasurer's account, on the 10th November 1817,	58,304 65
From which will be deducted, for warrants reported to have been paid, but for which the treasurer omitted taking the certificate of the committee who examined his office, that they were burnt or destroyed by them,	864 91
	<hr/> 57,439 74

Grand total, \$238,150 69

## PAID.

Warrants reported by the treasurer to have been paid,	201,509 99
In the treasury on the 10th November 1818,	56,640 70

## No. 2.

*A statement of warrants drawn by the auditor on the treasurer, in the year ending the 10th November 1818; showing the amount drawn for each source of expenditure, the amount paid and unpaid.*

For the salaries of the officers of the executive department,	9,961 61
Ditto ditto judiciary,	22,382 86
Postage,	787 10
Pensioners,	30 00
Negroes executed by order of court,	1,570 00
Sergeant of the court of appeals,	408 86
Printing,	2,473 35
Clerks' <i>ex officio</i> services, stationary, &c.	6,713 17
Contingent expences,	1,866 64
Executive offices,	2,877 37
Circuit court jailers,	1,915 16
Money refunded for tax twice paid, &c.	2,270 82
Sheriffs comparing polls of election,	37 76
Military services,	743 09
Criminal prosecutions,	12,809 29
The support of lunatics.	8,645 11
Repairs on the governor's house,	1,294 80
Ditto, state-house,	3,260 00
The December session 1817 of the legislature,	24,617 36
	<hr/> 104,599 35



Internal navigation,	38,133 00
Bank stock,	32,300 00
Drawbacks on vacant land,	2,520 15
Loans to the penitentiary,	24,054 91
	<hr/> 97,009 06
Warrants unpaid on the 10th November 1817,	352 47
	<hr/> 201,960 88
Warrants paid by the treasurer in the year ending on the 10th day of November 1818,	201,509 99
	<hr/>
Warrants unpaid on the 10th of November 1818,	450 89

## No. 3.

*A statement of balances due the commonwealth on the 10th day of November 1818.*

Of the revenue collectable by sheriffs, there is  
due for the year 1793,

	52 73
do. do. 1794,	219 49
do. do. 1796,	2,566 20
do. do. 1798,	101 36
do. do. 1799,	217 25
do. do. 1800,	172 26
do. do. 1802,	31 99
do. do. 1803,	1,820 23
do. do. 1806,	613 26
do. do. 1807,	279 43
do. do. 1809,	48 58
do. do. 1811,	52 44
do. do. 1812,	129 16
do. do. 1814,	603 18
do. do. 1815,	1,821 50
do. do. 1816,	1,042 57
From sheriffs for fines,	50 00
The penitentiary for loans,	18,944 48
Clerks for tax on law process, &c.	2,503 68
John Logan, former treasurer,	2,965 34
John P. Thomas, do. for a balance of damages recovered against him,	25,821 96
	<hr/>
Total,	60,056 79

## No. 4.

*A statement of amounts due from government on the 10th day of November 1818, for which the balance in the treasury on the same day is subject to the payment.*

For funds appropriated for internal navigation,	1,867 00
Do. do. Bank stock,	4,447 77
Salaries of officers,	1,644 99
Amounts overpaid by sheriffs in the revenue of 1813,	69 02
Warrants unpaid,	450 89
Total,	8,479 67

## No. 5.

*A statement of the probable expenditures of the government, for the year to end on the 10th November 1819.*

For the annual salaries of the officers of the executive department,	7,900
The salaries of the judges of the court of appeals,	4,500
Ditto of the circuit judges,	14,400
Ditto of the attorney-general and district attorneys,	5,200
The <i>ex officio</i> services of clerks, compensation to clerks for copying lists of taxable property, and for books and presses,	6,980
Postage,	800
Pensioners,	60
Printing,	2,500
Sergeant of the court of appeals,	500
Record books, fuel, stationery, &c. for the offices of the executive department,	2,000
The daily attendance of jailers on the circuit courts, and for furnishing fuel, &c.	2,000
Sheriffs comparing polls of elections,	800
The sum required for the support of lunatics, is annually increasing; the expences of the last year exceed that of the preceding \$ 2,400; acting upon the supposition that there will be a corresponding increase for the ensuing year, it will require for their support not less than	10,000
Compensation for venire, witnesses, guards, sheriffs, constables and jailers, in criminal prosecutions,	11,000
Military services,	1,000
Negroes executed, average near	2,000
Monies refunded for tax twice paid, &c.	1,500
The December session 1818 of the legislature,	25,000

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Contingent expences,	5,000
Internal navigation,	40,000

Total, 143,140

## No. 6.

*A statement of the probable receipts in the year to end on the 10th day of November 1819, subject to the ordinary expenditures of government.*

The gross amount of revenue collectable by sheriffs for the year 1817, and payable on the first Monday in December 1818, is 69,633

The probable defalcation; taking that of the preceding year as a guide, will be—

For insolvencies,	4,500
Sums which will be paid by sheriffs, under the act giving compensation for killing wolves,	1,700
Commission for collection,	4,900
	<hr/> 11,100

Nett amount, 58,533

Of which there was paid, previous to the 10th of November 1818, to the treasurer, 2,178

Add to this, for the defaults of sheriffs, from whom there may not be coerced in the ensuing year, 2,600

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4,178

The amount which may be certainly calculated on being received, will be 54,355

The amount which may be certainly calculated on being received for tax on non-residents' land, will be 5,500

For the balances due from sheriffs, as detailed in statement No. 3, judgments have been obtained and executions issued; those balances due for the years 1812, 1814, 1815 and 1816, will be paid to the amount of 3,500

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63,355

For the previous year no calculation can be made. Of the balances due from clerks, \$ 1,900 is from one debtor; it may be eventually collected; for the ensuing year, however, there is not expected from this source more than

500

For the balance due from John Logan, former treasurer, a suit, as directed by law, is pending; for that against John P. Thomas, execution has for the present been suspended. It is expected the legislature will be asked for a remission of the damages; if not granted, its collection will be attempted. Both will be involved in too much uncertainty, to expect any increase of revenue for the ensuing year.

From clerks for tax on law process, and the register for fees of office,	9,000
For tax on stock owned by individuals in the Bank of Kentucky,	6,000
For dividends on 5570 shares of stock in the Bank of Kentucky, say at 8 per cent.	44,560
	<hr/> 123,415

The balance in the treasury on the 10th of November 1818, subject to the ordinary expenditures of government, after deducting the amount of statement No. 4, is

28,161

Total, 151,576

From this deduct the probable expenditures, (No. 5) 143,140

There will be in the treasury, on the 10th day of

November 1819, \$ 8,436

Independent of those sums which may be received for tax imposed on independent banks, and branches of the United States' bank.

For the recovery of the tax imposed on the U. S. branch banks, the attorney-general has instituted the several suits required by law. The nominal capital of such of the independent banks as are believed to have gone into operation, amounts to \$7,770,000, of which it is supposed not more than two-fifths have been paid, amounting to \$3,108,000 of actual capital; on that amount there will be due, on the 1st January 1819, a tax of \$15,540; which, if collected, will make the balance in the treasury on the 10th day of November 1819, \$23,976.

*A statement of the situation of the Penitentiary.*

## MANUFACTURES.

From the 1st day of October 1817, to the 30th day of September 1818, the receipts of the agent to the keeper, for articles manufactured in that period, amount to	30,065 40
The agent is charged, in the same period, for the advance price of articles retailed,	175,22
Total,	30,240 62
The agent is credited, for the prices of articles reduced by order of the keeper, the sum of	697 00
The keeper consumed, in the several manufactories, raw materials to the amount of	19 979 95
	20,676 95
Gross profits on the articles manufactured,	9,563 67
The expences of the institution, in the same period, are, for fuel,	1,718 96
Clothing,	233 39
Diet,	2,277 53
Guards,	960 00
Contingencies,	904 58
	6,094 46
The agent and keeper's salaries and commission, and the pay of an assistant keeper,	2,992 28
	9,086 74
Nett profits,	\$ 476 93

## THE KEEPER.

There was due to him on the first of Oct. 1817,	11,757 08
He has, from that period to the 30th day of Sept. 1818, paid for expences as enumerated in the manufacturing account,	6,094 46
For debts due to individuals,	17 18
For raw materials, including \$10,000 paid for rolled iron, at \$ 235 per ton,	15,002 54
Total,	32,871 26



## THE SENATE.

37

In the same period he received warrants on the treasurer for these objects, to the amount of 22,757 08

Due to him on the 30th Sept. 1818, 10,114 18

## LOANS.

Oct. 1st, 1817, was due to government for loans, 9,911 13

Received by the keeper as above stated, 22,757 08

Received by the keeper and agent, in part of their compensation, 2,106 70

Total, 34,774 91

Paid by the agent to the treasurer, in the year ending the 30th September 1818—

For costs, 99 67

Interest, 29 80

Debts, 12,838 90

Sales, 4,456 19

17,424 56

Due to government on the 1st Oct. 1818, 17,350 35

## RAW MATERIALS.

October 1st, 1817, on hand, 11,530 76

Purchased in the year ending the 30th Sept. 1818, 15,002 54

26,533 30

Consumed in the same period, 19,979 95

October 1st, 1818, on hand, 6,553 35

Consisting of—

Shoe leather, to the amount of 92 00

Paints, oil and timber for chairs, to the amount of 367 10

Stones for tombs, slabs, &c. 413 00

18 tons of rolled iron, estimated at (including the expences of transportation) £ 250 per ton, 4,500 00

4304 lbs. of nail rods, steel, iron, and various other articles, to the amount of 1,181 25

6,553 35

## SALES.

Sold on a credit, 19,352 83

For cash, 4,456 19

Total, 23,809 02

## THE AGENT.

Oct. 1st, 1817, in his hands, manufactured articles, 15,105 72

Debts, 25,112 66

From the above period to the 30th Sept. 1818,  
he has been charged with—

Manufactured articles received of the keeper,	30,065 40
Interest received,	29 80
Costs received,	99 67
Advance prices on articles retailed,	175 22

Total, 70,588 47

He is credited by—

Prices on articles reduced,	697 00
Costs paid,	79 90
Errors in the keeper's list of debts due,	136 49
Monies paid the treasurer, as mention- ed in the "loans" account,	17,424 56
	<hr/> 18,337 95

Due, 52,250 52

Of which \$31,410 20 are debts, and \$20,840 32 are manufactured articles. On the list of debts, is a charge of \$4017. for articles furnished government, and debts noted "insolvent, to the amount of \$1,956. Upwards of \$16,000 of the manufactured articles, consist of nails, mostly cut, at 15, 16, 17 and 18 cents per pound.

The general account of the institution will be—

CREDITS.

By debts due,	31,410 20
Manufactured articles,	20,840 32
Raw materials,	6,553 35
	<hr/> 58,803 87

DEBITS.

Due for loans,	17,350 35
The keeper,	10,114 18
Ditto and agent for compensation,	885 58
	<hr/> 28,350 11

Nominal worth on the first day of Oct. 1818, 30,453 76

AUDITOR'S OFFICE, Dec. 11th, 1818.

The foregoing statements, Nos. 1 to 7, are submitted to the senate.

J. MADISON, *Aud.*

The speaker laid before the senate reports from the commissioners appointed to superintend the improvement of the navigation of Salt river, under the act of the last session, entitled "an act for the improvement of internal navigation;" which were taken up and read as follows, to wit:

*To the honorable the General Assembly of the State of Kentucky.*

Your commissioner, appointed last session to superintend (in conjunction with Messrs. Philemon Waters and Samuel M'Lean) the improvement of the navigation of Salt river and its navigable branches, reports: That the three commissioners met at Freak's island, on the Rolling fork, on the 11th day of last May, to examine the three branches of Salt river, and adopt the most advisable plan for their improvement; and that as the navigation of each stream seemed of equal importance to the country adjoining, to forward the business and save money, each commissioner took his river—mine was Salt river; and that after procuring proper tools and provisions, your commissioner commenced his labor at Clark's island, at the crossing of the road from Louisville to Bardstown, that island being considered by all the navigators of that river as far the most difficult place to pass, and that he cut a channel through said island, about seventy feet wide and about two hundred yards long, and that in so doing he has made the navigation of that place, in his opinion, tolerably safe; that he then proceeded up the river, removing all trees, logs, roots, fish-dams, &c. which in his opinion most impaired the navigation, until he reached the mouth of Ash's creek, a distance of about 65 miles above the mouth of Salt river; and then he turned back, and proceeded down the river to the falls at Shepherdsville, and commenced his operations there by removing all the rock which projected above the level of the river, and that he has removed all the most prominent obstructions at the falls, at a very considerable expence. Your commissioner is of opinion that Salt river yet wants considerable improvements, particularly at the following places, viz. the Fiddlestring islands, Clark's ford, mouth of Cedar creek, and very considerable improvements at the falls. Your commissioner would further state, that in his opinion the only lasting improvement that can be made on our small rivers, is dams with locks and gates, so that boats may pass with facility up as well as down, and our produce go to market as it is made ready by our farmers, which will insure to the trader a better price than he now gets. And lastly, your commissioner has not appropriated all the money furnished him; the balance he is ready to use or appropriate as your honorable body may please to direct.

The above is submitted with due respect.

JOHN CHURCHILL.

*To the honorable the General Assembly of the State of Kentucky.*

Your commissioner, appointed at the last session of the legislature to superintend (in conjunction with Messrs. Philemon Waters and John Churchill,) the improvement of the navigation of Salt river and its navigable branches, reports: That the three commissioners met at Freak's island, on the Rolling fork, the 11th day of last May, to examine the three branches of Salt river, and determine on the most advisable plan to be pursued in their improvement; and that as the navigation of each stream seemed to be of equal importance to the section of country adjoining, to expedite the business and lessen expence, they each took a third of the money appropriated, and each took a river, viz. Philemon Waters, the Rolling fork; John Churchill, Salt river; and your commissioner, the Beech fork; and that after procuring the necessary tools and provisions, he commenced his labor at Sunfish island, (the place considered by the navigators most dangerous) and cut a channel through the island 60 feet wide, which makes the river straight, and in his opinion of that place, perfectly safe; that he then proceeded up the river, removing fish-dams, large rocks, dangerous trees, roots, logs, &c. and that at Hog run (hitherto considered very unsafe) he removed a small island, thereby straightening the channel, which has much mended that place. He then proceeded up the river, removing the principal obstructions, until he reached Sybert's mill-dam, a distance of about 55 miles by water from the mouth of the Beech fork; that he then returned to Sunfish, and continued down the river to Shickliff's island, and there he made a new channel and repaired the old one, so that both are now pretty safe; thence he proceeded on down to the mouth of the river, removing the principal obstructions, blowing and removing all the rocks in the channel, which were numerous and large, and some very difficult to blow, the removing of which is certainly (although far the most expensive) the most permanent and lasting good he has done the navigation. Next to the rocks, the fish-dams were most troublesome—one almost at every shoal, and some of them very large and strong, all of which are removed; but your commissioner fears that ere long many of them will be rebuilt, much to the injury of the navigation.

Your commissioner further states, that there are three mill-dams across the river, the uppermost of which (Joseph Ray's) was formerly considered the head of the navigation; but as boats now cross it, your commissioner thinks it proper

That a slope should be made, to render the passage of boats more safe and certain. The next dam is Peter Sybert's, one mile below Ray's; and the third and last is Hill and Rowan's, 8 miles above the mouth of the river. The last named two dams have until lately been kept in very bad repair; but now their slopes are in good order, and the opinion of the best pilots on the river is, that loaded boats can pass them in safety, when they can pass the balance of the river. Although your commissioner has great respect for their opinions and judgment, he is obliged to believe it will require 8 to 12 inches more water to pass them in perfect safety, than to pass the balance of the river.

Your commissioner would further state to your honorable body, with due deference and respect, that in his opinion the only description of improvement to our navigation that will be permanent and lasting, and of real utility to our commerce, is dams with locks and gates, so that boats may pass up as well as down, with perfect safety, and our produce get to market as our farmers get it ready, and insure to our exporters its full value; whereas, in our present navigation, half the produce of a season goes out of our rivers in a single fresh, and the quantity thrown into market at one time, far exceeds the demand; the result of which is, it must be sold at a loss.

And lastly, your commissioner has not appropriated quite all the funds placed in his hands: the balance he is ready to use or appropriate as your honorable body may please to direct.

The above is with due respect submitted.

SAMUEL M'LEAN.

*To the honorable the General Assembly of the Commonwealth of Kentucky.*

Your commissioner would state, in pursuance to an act of the last legislature of this state, entitled "an act for the improvement of internal navigation," that he, in conjunction with the other commissioners of Salt river and its navigable branches, commenced their operations on the 11th of May last. They met in convention at Freak's island, on the Rolling fork of Salt river—the clearing out of which stream was assigned your commissioner, and one third of the money allowed for the clearing out of Salt river was received by him. On its reception, your commissioner immediately set about procuring the necessary articles of labor and sustenance for the use of the hands, which your commissioner was able



to procure by the first of June last; on which day he commenced the improvement of the Rolling fork, adjacent to Andrew Muldrough's, of Washington county, and working from thence to Freak's island, the computed distance of 100 miles by water. Your commissioner employed his hands in cutting up the rafts of timber which were lodged in said river, cutting down and grubbing up a number of trees on the bank at different places, which were, or likely to become obstructions in the navigating of said stream, and clearing the points of islands. On the 21st of August, your commissioner discharged the most of the hands he had in his employ. With those retained, and what additional hands he employed, he made a complete channel through Ewing's falls, removed Ray's rocks and the rocks which were in the narrows, which were considered the greatest natural obstructions. Your commissioner blew rock at several other places; he finished his labors on the last of October, but would have worked ten miles farther up the river, as it was considered navigable, but owing to most of the work remaining to be done being under water, and the season being too cold for hands to be engaged in such business, your commissioner thought it advisable to proceed no farther. Your commissioner has expended something like 1800 dollars, which will appear by reference to his vouchers and list of expenditures filed in the auditor's office—leaving a balance of something upwards of 800 dollars in his hands. Your commissioner would state, that much yet remains to be done for the improvement of the navigation of said stream. The obstructions removed by him were only of the most immediate and fatal kind, leaving a number of ripples and points of bends untouched. Here your commissioner would state, that the Rolling fork is a very crooked stream; in places not more than forty or fifty feet wide in boating season; its banks subject to cave; and he is apprehensive, from the narrowness of the river and the quantity of timber he has been necessarily compelled to cut and leave lying on its banks, that on the first flood it may lodge in many places, so as to obstruct the navigation in descending the river. These artificial obstructions your commissioner thinks may be easily removed, and when once done, may not again require labor for several years.

Yours, &c.

PHILEMON WATERS,

*One of the commissioners of Salt river.*

*Ordered, That said reports be laid on the table.*

Mr. Wickliff read and laid on the table the following resolution, to wit:

*Resolved by the general assembly of the commonwealth of Kentucky,* That a committee of five members from the senate and ten from the house of representatives, be appointed to take into consideration the reports, and to examine the accounts of the commissioners appointed by the legislature, conformably to the act for the improvement of internal navigation, and to report thereon.

And thereupon, the rule of the senate being dispensed with, it was taken up and adopted.

*Ordered,* That Mr. Wickliff acquaint the house of representatives therewith, and request their concurrence.

The following bills were reported by the several committees appointed to prepare and bring in the same, to wit:

By Mr. Johnson—1. A bill for taking the sense of the good people of this commonwealth on the propriety of calling a convention.

By Mr. Jones—2. A bill to release the state's claim to salt water in certain cases.

By Mr. Owens—3. A bill for the benefit of Daniel Trabue.

By Mr. Owens—4. A bill appointing commissioners to view a way for a state road from Danville to the Tennessee line, on a direction to intersect the national road from New-Orleans to the Muscle Shoals.

By Mr. Owens—5. A bill for the relief of Francis Petty and Landefur Petty.

Which were severally read the first time.

The question being taken on reading the first bill a second time, it was resolved in the affirmative—Yeas 14, nays 13.

The yeas and nays being required thereon by Messrs. Bledsoe and Davidge, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bridges, Chambers, Faulkner, Given, Griffin, Harrison, Johnson, Jones, Owens, Slaughter, Wickliff, Wilson, Wood and Worthington.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bartlett, Bledsoe, Churchill, Davidge, Ford, Mason, Perrin, South, Southgate, Taylor, Thompson and Yancey.

The other bills were ordered to be read a second time.

A message from the house of representatives, by Mr. Barr:

*Mr. Speaker*—The house of representatives concur in the resolutions from the senate, for the encouragement of domestic manufactures, and a resolution appointing committees to examine the public offices, have appointed the committees on their part, and they have adopted the following resolution, to wit:

IN THE HOUSE OF REPRESENTATIVES, Dec. 11th, 1818.

*Resolved by the general assembly of the commonwealth of Kentucky,* That the secretary of the senate and the clerk of the house of representatives, be, and they are hereby respectively authorised to procure from time to time a sufficient quantity of parchment on which to enrol the bills passed by the general assembly; and that they report the cost of the same to the auditor of public accounts; who is hereby authorised upon the delivery of proper vouchers to audit and pass the same.

Extract, &c.—Attest.

R. S. TODD, C. H. R.

In which they request the concurrence of the senate.

And then he withdrew.

Messrs. Wickliff, Slaughter and Davidson were appointed a committee on the part of the senate, to examine the treasurer's office; Messrs. Johnson, South, Davidge and Mason, the register's office; and Messrs. Owens, Perrin, Thompson, Jones and Ford, the auditor's office.

An engrossed bill further to regulate the debt due the commonwealth for the sale of vacant land, was taken up; and the question being taken on the passage thereof, it was resolved in the affirmative—Yeas 21, nays 3.

The yeas and nays being required thereon by Messrs. Faulkner and Jones, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bartlett, Bledsoe, Bridges, Crutcher, Davidge, Ford, Given, Griffin, Harrison, Johnson, Mason, Owens, Perrin, Slaughter, South, Taylor, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Faulkner, Jones and Wickliff.

*Resolved,* That the said bill do pass, and that the title be “an act further to regulate the payment of the debt due the commonwealth for the sale of vacant land.”

*Ordered,* That Mr. Owens do carry said bill to the house of representatives, and request their concurrence.

The speaker laid before the senate reports from the commissioners appointed to superintend the improvement of the navigation of Cumberland river, under the act of the last

session, entitled "an act for the improvement of internal navigation;" which were ordered to be laid on the table, to wit:

*Gentlemen of the Senate,*

*and House of Representatives,*

As commissioner for the Cumberland river, under an act for the improvement of internal navigation, approved January 28, 1818, it is made the duty of said commissioner to make report to the legislature of the improvements made, and those still necessary to be made, if any.

It has been agreed by the board of commissioners for this river, for me to act on the lower part of the river below the Tennessee line, and report the same. This became necessary from the great distance between us, which is at least 200 miles. For this purpose I have received the sum of \$1333.34. After reviewing the river from the Tennessee state line down to the mouth of the same, I found there were no material obstructions which could be removed with the sum in my hands; I found a few logs and snags, but they were so few as not to impede navigation—there is about eight or ten shoals in the river—nothing could be done with these—some of them rocky, others sandy bottoms. To effect any good, it would take an immense sum of money. Those which are rocky, would have to be blown and deepened; the sandy shoals of the river would have to be confined to one place.

Some of those shoals are from one to one and a half miles long, not any of them but is one half mile. There is never more than three months in the year that those shoals are in the way: and some years deep enough all the year for boats of common burthen, such as keels, &c.

Under all these considerations, I am very clear of opinion that the benefits arising to the state would not half pay the expences. The principal benefits would be to the state of Tennessee; and until they would meet us with a similar law to clear out the obstructions above, it would not be advantageous to the state to do any thing to this part of the river. If you in your wisdom should coincide with me in this opinion, there is in my hands about twelve hundred and sixty-five dollars, which is unappropriated, and will at all times be subject to your order.

I have only expended the sum of sixty-seven dollars and fifty cents, which will more fully appear by my account which is filed in the auditor's office.

Your obedient servant,

JOSEPH R. GIVEN.

*To the Kentucky Legislature.*

Pursuant to an act of the legislature of Kentucky, approved January 28th 1813, entitled "an act for the improvement of internal navigation," the undersigned, being one of the commissioners appointed for Cumberland river, begs leave to submit the following report on his part—first premising that only two of the commissioners appointed for the Cumberland river have met on the upper part of the said river and acted, to wit: himself and Samuel Newell; that according to arrangements made between said Newell and the undersigned, they divided said river above the Tennessee state line into two parts, the undersigned taking the lower part, beginning at Higgins' island in Cumberland county, and superintended the improvement of the navigation of said river from thence to where the Tennessee state line crosses said river, near Martin's ferry, being a distance of about eighty miles. The undersigned drew as his portion of the appropriation for the aforesaid river, the sum of \$1333 1-3, which he expended, as he believes, in the most advantageous manner he could for the improvement of the navigation of said river. He states, that himself and the said Samuel Newell commenced at the long shoals of Cumberland river, in the county of Pulaski; that being as high up the river as they thought it advisable to ascend, the shoals in that place rendering it almost impracticable to ascend higher with boats, or to pass them in descending. They, therefore, made this the place of beginning. They descended the river in conjunction to the said line of Tennessee, viewing it minutely and critically, noting down each obstruction, and where practicable to be removed, they made a calculation of the probable expence it would take to remove the same. The total result of their estimate, from the aforesaid shoals to the Tennessee line, being 157 miles, they made \$18,375, for which sum they were of opinion every obstacle to the safe navigation of said river the distance aforesaid, could be removed, which would be prudent to attempt removing. The undersigned and said Newell then agreed upon a division, and with the sum of \$1,333 1-3 the undersigned proceeded with his part. He considered the sum appropriated as altogether inadequate to complete the removal of obstructions fully; and therefore thought it most advisable to remove the most prominent, and such as would most obviously impede navigation; and that he should extend his labor the whole extent of the part allotted to him. He therefore cut away all bending trees near the bank, also all timber down to low water mark; he cut in



short lengths the trees drifted up at the bends of the river, and at islands, in such manner as to loosen the raft, and render the drifts in a situation to be floated off; he cut down the sawyers and planters, (so called by river navigators) to low water mark. In executing the above, the undersigned presumes he has much aided the navigation of the river within his boundary, and has had as much labor done for the sum expended as could possibly have been expected. The undersigned states that much remains yet to be done in his part of said river, as before designated; before it will be complete, there will be rocks to blow which now project up to some height, against which boats frequently stove, or are in danger; there are logs and roots to raise and remove which are now fast in sand and mud, which if removed, would render the navigation much more safe. The undersigned, from his first estimate, and also including the mouths of two water courses, the one Crocus and the other Marrowbone, the former to the extent of five miles, and the latter two miles—which could be greatly improved, and down which boats frequently descend into the Cumberland river—is of opinion that the further sum of \$8,433 could be advantageously appropriated; and for which sum, he thinks all could be done for the improvement of navigation which would be practicable to attempt.

All of which he respectfully submits to the honorable legislature of Kentucky.

JOHN PAUL,

*One of the Commissioners of Cumberland River.*

The resolution fixing on a day on which to elect a senator in congress for the next senatorial term, was taken up, and amended to read, after the word congress, "for six years, commencing on the fourth of March next;" and the question being taken on adopting the same, it was resolved in the affirmative—Yeas 14, nays 13.

The yeas and nays being required thereon by Messrs. Bledsoe and Owens, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bridges, Churchill, Crutcher, Davidge, Faulkner, Ford, Griffin, Harrison, Jones, Mason, Owens, Slaughter, Wickliff and Worthington.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bartlett, Bledsoe, Chambers, Given, Johnson, Perrin, South, Southgate, Taylor, Wilson, Wood and Yancey.

*Ordered*, That Mr. Crutcher acquaint the house of representatives therewith, and request their concurrence.

Engrossed bills, viz. To extend the time for returning plats and certificates into the register's office, and for surveying certain lands in this commonwealth; concerning the duties of the register of the land-office; for the relief of the administrators and heirs of John Stapp, deceased; and to increase the pay of the members of the legislature; were severally read a third time.

The first was committed to Messrs. Johnson, Owens and Wood; the second to Messrs. Johnson, Owens, Bledsoe, Wood and Bridges; the two latter were laid on the table.

Mr. Bartlett read and laid on the table the following resolution, to wit:

*Resolved by the general assembly of the commonwealth of Kentucky.* That the auditor of public accounts be, and he is hereby authorised to employ, at public expence, an additional counsellor or attorney, to assist the attorney-general in the prosecution of such suit or suits, as has been, or may be necessary to prosecute against the officers of the branch banks of the United States located in this state: *Provided,* not more than the sum of two hundred dollars shall be given as a compensation to such counsellor or attorney.

And thereupon, the rule being dispensed with, the said resolution was taken up and adopted.

*Ordered.* That the clerk acquaint the house of representatives therewith, and request their concurrence.

Mr. Crutcher read and laid on the table the following resolution, to wit:

The location of the branch banks of the United States within this state, and the serious and embarrassing effects produced by the measures pursued by the directors of that institution at Philadelphia, are subjects which deserve the serious attention of the legislature of Kentucky.

Whether it was wise and politic, or constitutional, for the congress of the United States to erect such a powerful monied aristocracy, with power to extend its baneful influence into every state or section of our country; whether that corporation has not by some act inconsistent with the conditions of its charter, forfeited its privileges, are questions of great moment, and deserve not only the consideration of the people of Kentucky, but the citizens of every other state, and their representatives in the congress of the United States.

It was hoped by all, and asserted by the friends of the Bank of the United States, that the location of its two branches in this state, would aid our commercial enterprize, particularly our trade up and down the Mississippi river;

that it would tend to equalize the exchange, and afford us mercantile facilities of which we were not possessed.

In all these things we have been disappointed, and experience proves that the operations of those institutions have greatly diminished the circulating medium, and embarrassed our state institutions.

While the stock of our state banks and other banks is taxed for the support of government, the United States' bank denies the right or power of this commonwealth to impose a tax upon the stock held by citizens, non-residents and aliens, in that institution. Against this position, we, as the representatives of the people of this state, protest.

We believe, that the best interest and prosperity of our citizens require the speedy withdrawal of those branches from this state.

We also believe, that if the stockholders or the directors of the Bank of the United States have by any act forfeited their charter, that it is expedient to repeal the same.

Wherefore,

*Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky.* That it is the wish, desire and interest of the people of this state, that the president and directors of the United States' bank recal their branches located in this state.

*Resolved,* That our senators and representatives in congress, be requested to take into consideration the expediency and constitutionality of repealing by law, or otherwise, the charter of said bank.

*Resolved,* That the executive of this state be requested to forward to each of our senators and representatives in congress, a copy of these resolutions.

*Resolved,* That he forward to the president and directors of the Bank of the United States, a copy of these resolutions, and request their attention to the same, and their determination upon the subject.

*Ordered,* That the public printers forthwith print 150 copies of said resolution, for the use of the members of the legislature.

And then the senate adjourned.

MONDAY, DECEMBER 14, 1818.

The senate assembled.

Joseph Eve, Esq. a senator from the counties of Knox and Clay, appeared and took his seat.

The speaker laid before the senate a letter from a committee of the trustees of the Transylvania University; which was taken up and read as follows, to wit:

LEXINGTON, Dec. 8th, 1818.

SIR—Through you the trustees of the Transylvania University wish to communicate to the members of the senate of Kentucky, that on Saturday the 19th inst. the inauguration of the president and professors of the college will take place, when the trustees will be gratified to see such of the members as can make it convenient to attend.

With sentiments of great respect, we are,

JOHN T. MASON,	} Committee.
LEWIS SANDERS,	
CHs. HUMPHREYS,	

*The Speaker of the Senate of Kentucky.*

The following bills were reported by the several committees appointed to prepare and bring in the same, to wit:

By Mr. Bledsoe—A bill to provide for the revision of the statutes of this commonwealth.

By Mr. Crutcher—A bill to change the time of meeting of the general assembly.

Which were severally read the first time, and ordered to be read a second time.

*Ordered*, That the public printers forthwith print 400 copies of the former bill, for the use of the members of the legislature.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Wood—1. A bill further to indulge the settlers on the lands acquired by the treaty of Tellico, to pay the state price on their claims.

On the motion of Mr. Southgate—2. A bill to amend an act entitled "an act respecting the conveyance, and also the division of the real estate of William Kennedy, Benjamin Beall and Jennethe H. Beall, late of the county of Campbell," passed in 1817.

And on the motion of Mr. Perrin—3. A bill to amend and reduce into one the several acts respecting the opening and keeping in repair the public roads in this commonwealth.

*Ordered*, That Messrs. Wood, Griffin, Worthington and Eve be appointed a committee to prepare and bring in the

first; Messrs. Southgate, Perrin and Thompson, the second; and Messrs. Perrin, Bledsoe, Taylor, Davidson, Faulkner and Davidge, the third.

Mr. Wood, from the first committee, reported a bill, which was read the first time and ordered to be read a second time.

Mr. Johnson, from the committee to whom was referred a bill for the relief of Charles Willot, sen. reported the same with an amendment, which being read was concurred in, and the bill as amended ordered to be engrossed and read a third time.

A message from the house of representatives, by Mr. Smith:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act for the benefit of Charles C. Carson;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up, read the first time and ordered to be read a second time.

A message from the house of representatives, by Mr. Booker:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act establishing the town of Maxville, in Washington county;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was then taken up, read the first time and ordered to be read a second time.

A message from the house of representatives, by Mr. Lackey:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to open a road from Mountsterling to the Virginia line, by way of Prestonsburg, and for other purposes;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was then taken up, read the first time and ordered to be read a second time.

Mr. Bledsoe, from the joint committee appointed to examine the Bank of Kentucky and its branches, and to inquire into the causes which led to the late suspension and resumption of specie payments, made the following report, to wit:

The joint committee of the senate and house of representatives of the legislature of the commonwealth of Kentucky, raised to examine the state of the bank of Kentucky and its branches, and to inquire into the causes which led to the late



suspension and resumption of specie payments, have but partially performed their duty. In consequence of a want of late reports from some of the branches of the institution ; the committee have confined their attention exclusively to the causes which led to the suspension and resumption of specie payments. On this subject the committee have received a report from the president and directors of the bank, which is herewith respectfully submitted, and they concur in adopting the following resolution :

*Resolved*, That the report of the president and directors of the bank of Kentucky, setting forth the causes of the late suspension and resumption of specie payments, be spread on the journals of each house and published in the Argus for the information of the public.

The following statement is submitted to the joint committee of the senate and house of representatives, appointed by the legislature to inquire into the causes which led to the suspension and subsequent resumption of specie payments by the bank of Kentucky and its branches.

That by the books of the bank of Kentucky, it appears that from the month, of September, 1813, to the 30th December, 1814, (a period of regular business when no peculiar or extraordinary circumstances occurred to produce oscillation in the operation of the bank) whilst the capital of the bank of Kentucky (exclusive of its branches) advanced from \$263,000 to \$359,000 ; its notes in circulation advanced from the amount of \$100,000 to \$139,000. The amount of deposits (exclusive of those by the government of the U. States and by this state) advanced from \$28,000 to 52,000, and the demand on the bank for specie was comparatively small.

That subsequent to the peace and the resumption of specie payments, no extraordinary demand for specie was experienced by this bank from individuals ; but the confidence in this institution appeared unaffected by the suspension of specie payments during a period of war.

That on the 21st of April, 1817, the notes of this bank (excluding its branches) then in circulation amounted to \$417,000 ; its capital to 559,000. The balances of accounts current or deposits (excluding those of the United States and of this state) amounted to \$58,416.

That on the 30th December, 1817, the capital of this bank had advanced to \$608,000 ; its notes in circulation were reduced to 229,000. The balances of accounts current or de-

posites, exclusive of those due the state and the bank of the United States, were \$104,000.

That on the 20th of November last, with a capital belonging to this bank (exclusive of its branches) of \$635,000; its notes in circulation were reduced to 195,000; the deposits (excluding those of the state and of the bank of the United States) were 27,000.

Since that time the demand for specie has continued and the notes in circulation at this time amount only to \$161,000.

In the course of the present year this bank alone, exclusive of its branches has imported from New-Orleans and from the eastward of the Alleghany in specie \$240,000. Since the 1st of January last to the 20th November, this bank exclusive of its branches, had paid in specie about \$250,000, of which sum \$82,000 has been paid to the bank United States since the first of June last.

That the specie in the vaults of this bank (notwithstanding the importations from New-Orleans and the eastward, and notwithstanding receipts from other quarters) had been reduced on the 20th November last to a sum greatly below the amount on hand when specie payments were resumed in the spring of 1817.

That from the 30th August to the 20th November last the sum of \$95,000 had been drawn in specie from this bank exclusive of the sums drawn from the branches. That at the time of the suspension of specie payments on the 20th November last, the balance due and liquidated from this bank and its branches to the office of discount and deposite of the bank of the United States at Lexington, was \$196,000; and the notes held and unreported were estimated at a considerable sum, calculating the amount from the accumulation which had occurred in similar spaces since the former liquidation. The amount of the demand, at and immediately before the suspension of specie payments, on the 20th of November last, by the officers of the bank of the United States at Lexington and Louisville, upon the bank of Kentucky and its branches amounted to \$409,000 including in that estimate the sum of \$55,000 drawn in specie from our branch at Louisville.

Over and above these demands the directors of the bank of Kentucky had reason to believe, that large sums of the paper of the bank of Kentucky and its branches, were in the hands of the receivers of the United States for sales of public lands, and would shortly be deposited in the offices of the bank of the United States at Lexington and Louisville as additions to the demand of \$409,000 above stated, and that

from this source, heavy and continued additions to the demands of the banks of the United States might be expected.

That owing to the difficulties and embarrassments of the times and apparent distress of the community by the abstraction of a considerable portion of the circulating medium of the country, and the increased pressure and embarrassment anticipated, should the banks attempt a speedy collection of their funds by the curtailment of discounts, balances had been suffered to run on interest at the offices of the bank of the United States; and some of the branches of the bank of Kentucky, calculating on a continuance of their interest accounts, were not prepared to pay their balances to the bank of the United States upon a short notice.

That the cashiers of the offices of the bank of the United States at Lexington and Louisville were instructed by the board of directors at Philadelphia to put an end to the interest accounts and collect the balances without delay. Upon being informed of such instructions the board of directors of the bank of Kentucky appointed a committee to negotiate for time for payment of the reported balances due from the bank of Kentucky and its branches and for holding up for a time the paper on hand not reported. That committee addressed a letter to the cashier of the office of discount and deposite of the bank of the United States at Lexington, in substance as follows :

SIR—We are directed by the bank of Kentucky to apply to the office of discount and deposite of the U. States' Bank in Lexington, for information whether any, and what indulgence can be given for the balances now due by that institution and its branches, and to ascertain what measures will be pursued with such paper of the latter institution as is now held or may hereafter be received by the office of discount and deposite. The motives which have led them to ask for this information are the pressure produced upon the establishment by the rapid influx of their paper, the necessity of preparing by every means in their power to meet the demands they have reason to expect, and the apprehension, that with all their efforts, the great difficulty which the present state of the country presents to collections, may prevent their effecting this object.

It is the earnest wish of the bank of Kentucky to avoid a catastrophe, the consequences of which cannot be foreseen, and it is their duty to attempt any measure which may be calculated to put this in their power or may lighten the pressure upon the country. The most effectual of these it is con-

ceived would be to obtain from your institution the indulgence now suggested. If our opinion is asked of the extent of the indulgence necessary to enable the bank of Kentucky to effect the objects we have mentioned, we believe that payments of the present balances in three instalments, one third when due, one third in thirty, and one third in sixty days, with interest, and an assurance that the paper of the bank of Kentucky and its branches, now in your hands, and hereafter to be received would be retained until instructions from the mother bank should reach you, would answer their purpose.

Should you deem the intervention of your board on the subject of this application necessary, be so good as to lay this letter before them.

Very respectfully,

E. SALOMON, Esq. *Cashier.*

LEXINGTON, November 18, 1818.

To which an answer was returned in substance as follows, as reported by the said committee to the board of directors of the bank of Kentucky, viz.

The cashier of the branch bank of the United States at Lexington stated, that he was willing to receive the balances in good bills at sixty and ninety days drawn by individuals and endorsed by the bank, but that he was prohibited by his instructions from granting time; that he would undertake to retain the paper of the bank and its branches which he then held or might hereafter receive until he received instructions from the bank of the U. States, provided such instructions reached him within a reasonable time.

Upon the report of the committee the board of directors came to the following resolution:

*Resolved,* That in the opinion of this board, the interest of the state, the interest of its citizens, and the interest of the stock-holders require, that the bank of Kentucky and its offices of discount and deposit should suspend the payment of specie until the subject can be presented to the consideration of the legislature, or until the further order of this board.

Upon notification of this resolution, propositions were made to this board by the cashier of the office of discount and deposit of the bank of the U. States at Lexington through our branch at Lexington, offering to give time for payment of the balances from this bank and its branches by instalments of ten per cent. when due, and ten per cent. every sixty days thereafter with interest, &c. which propositions were accepted by the board of directors of the bank of Kentucky, and specie payments were immediately resumed.



The bank of Kentucky with a view to the payment of balances due the bank of the U. States had purchased bills and acceptances payable at their office of discount and deposite at Lexington, to the amount of about fifty-five thousand dollars; but the cashier refused to collect for this bank, until after the balances were paid.

The sums stated above are in round numbers, and are substantially correct.

By order of the board.

ROBT. ALEXANDER, *Pres't.*

Which report was laid on the table.

The following bills were severally read the second time, to wit: A bill to release the state's claim to salt water in certain cases; and a bill for the benefit of Daniel Trabue.

The former was ordered to be engrossed and read a third time; the latter was committed to Messrs. Owens, Jones, Bledsoe and Southgate; and after a short time, Mr. Owens, from the committee, reported an amendment in lieu of the bill, which being read was concurred in, and the bill as amended ordered to be engrossed and read a third time.

An engrossed bill for the relief of the administrators and heirs of John Stapp, deceased, was read a third time, and committed to Messrs. Bridges, Owens and Southgate; and after a short time, Mr. Bridges, from said committee, reported the said bill with amendments, which being read were concurred in, and the bill as amended ordered to be engrossed and read again.

And then the senate adjourned.

## TUESDAY, DECEMBER 15, 1818.

The senate assembled.

Mr. Davidge, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances, have, according to order, had under consideration the petition of sundry citizens of Warren county, praying that the Bowling-Green Bridge Company may be incorporated, and that said company may be permitted to build a bridge across Big Barren river, where men North street in the town of Bowling-Green terminates on the bank of said river, and that the abutments of said bridge may be condemned for that purpose; and have come to the following resolution thereupon, to wit:

*Resolved*, That the said petition is reasonable.



Which being twice read was concurred in.

*Ordered*, That said committee prepare and bring in a bill pursuant to said resolution.

Mr. Davidge, from said committee, reported a bill, which was read the first time and ordered to be read a second time. The rule being dispensed with, the bill was read a second time and committed to Messrs. Yancey, Johnson, Slaughter, Wickliff and Owens.

A letter from the treasurer was laid before the senate by the speaker, containing his official annual account; which was ordered to be laid on the table as follows, to wit:

TREASURY OFFICE, Dec. 14, 1818.

SIR—You will please to lay before the honorable house over which you preside, this statement, which gives a concise view of the situation of the treasury department, since it has been under my control. To give a complete statement of the whole year, would have been agreeable to myself, and satisfactory to the legislature; but to my surprize, I have found no document filed in this office, which exhibits the real situation of the treasury—no balance having been struck in any one year, by my predecessors in office. From this circumstance, I have to confine this report to that portion of the year between the 30th of January last and the 10th of October 1818, both days inclusive.

I have the honor to be,

Very respectfully,

Your obedient humble servant,

SAMUEL SOUTH, Tr.

*The honorable William B. Blackburn.*

*A general view of the receipts and payments at the treasury, from January 30th to November 10th, inclusive, together with the amount in the treasury on the former date.*

RECEIPTS.

To cash in the treasury on the 30th day of January 1818.

	\$ 58,453 16
Received of sheriffs since 30th January,	4,443 88
Do. Clerks of courts,	2,000 58
Do. Green river settlers,	7,629 05
Do. Vacant land, &c.	12,958 85
Do. Tellico land,	11 60
Do. Sergeant court of appeals,	894 82
Do. Dividend bank stock, 1st Jan. last,	23,457 54
Do. do. do. 1st July,	21,699 93
Do. Secretary of state,	20 90

Do. Penitentiary,	13,755 56
Do. Non-residents,	4,939 29
Do. Register of the land-office,	1,054 23
Do. Miscellaneous,	64 41
Do. Late treasurer,	27,393 76

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\$ 178,677 56

*This statement exhibits the amount paid for warrants drawn on the treasury, from the 30th of January last to the 10th of November 1818, inclusive.*

For salaries of the officers of the executive department,	\$ 6,410 63
Bank stock subscribed,	21,525 05
Penitentiary,	10,046 62
Legislature,	20,494 48
Criminal prosecutions,	6,190 46
Negroes executed,	970 00
Pensioners,	30 00
Judiciary,	16,783 67
Contingent expences,	1,230 32
Internal improvement,	38,133 00
Clerks of courts <i>ex officio</i> services,	1,274 70
Commissioners of state-house,	3,200 00
Executive officers,	2,402 61
Sergeant court of appeals,	215 70
Government house,	1,294 80
Public printing,	2,473 35
Public communications,	705 43
Military expenditure,	289 73
Monies refunded,	208 48
Redemption non-residents' land,	1,107 46
Sheriff's comparing polls,	37 76
Circuit court jailers,	1,185 54
Lunatics,	5,827 02

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\$ 142,036 86

Aggregate amount of receipts, the sum of	178,677 56
Do. payments, same time,	142,036 86

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Do. cash in the treasury on the 10th Nov. 1818, \$ 36,640 70

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Deduct from the receipts the amount in the treasury on the 30th of January 1818, and it will

Leave the actual amount paid into the treasury during the above mentioned period, the sum of	120,224 40
From this amount deduct the sum paid by the late treasurer,	27,393 76

And the residue will be the actual amount of ordinary revenue which has been received at the treasury, between the 30th of January last and the 10th November 1818, the sum of	\$92,830 44
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The aggregate amount of money paid into the treasury on account of bank dividend, between the 30th January last and the 10th of November 1818,	45,157 47
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Of this sum there was appropriated for internal improvements, by an act approved December session 1817, the sum of	40,000 00
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Leaving a surplus of revenue derived from bank stock, subject to the ordinary expenditures of government, the sum of	\$ 5,157 47
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The whole amount appropriated for internal improvements, has been drawn from the treasury, except a portion of the sum assigned to the Kentucky river,	\$1,867 00
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Of the several important duties assigned to this department, in addition to its fiscal concerns, the following seems more particularly to deserve attention: By the 13th section of the act approved January 26th, 1818, to incorporate sundry independent banks, it is made the duty of the treasurer to receive annually from the president and directors of each of the banks incorporated by that act, which should go into operation, one half per cent. on the stock subscribed and paid for. Due attention has been paid to this subject; and I am happy to state, that so far as I have had it in my power to correspond with the directors of the several banks on the subject, the anticipation and wishes of the legislature will be universally and promptly complied with. Some difference of opinion has arisen with regard to the time when this tax becomes due.

I have found some difficulty in paying off warrants drawn on the treasury, on account of the various kinds of paper in circulation as money; for every holder of a warrant is naturally desirous to be paid in the medium of the highest current value. Under these circumstances, it is to be expected that

individuals will be disappointed, and express some dissatisfaction; but it has been the constant and vigilant endeavor of this department, to perform this arduous duty with a steady eye, not only to the public good, but to the interest of each individual citizen.

SAMUEL SOUTH, TR.

*Treasury Department, December 14th, 1818.*

A message from the house of representatives, by Mr. Johnston:

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act to extend the lines of Ohio county;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was then taken up, read the first time and ordered to be read a second time.

Mr. Churchill presented the petition of sundry citizens of Middletown, in Jefferson county, praying that the trustees of said town and the Hope seminary, may be authorised to raise, by way of lottery, the sum of 8000 dollars, one half to be appropriated in paying the streets of said town, and the other half to the use of the trustees of said seminary; which was read and referred to Messrs. Churchill, Ford, Davidge and Bledsoe, who have leave to report by bill or otherwise.

A message from the house of representatives, by Mr. M'Millan:

*Mr. Speaker*—The house of representatives concur in resolutions from the senate, appointing a committee to examine the accounts of the commissioners appointed under the act for the improvement of internal navigation; a resolution authorising the auditor to employ additional counsel to prosecute suits against the officers of the United States' banks; and a resolution fixing on a day on which to elect a senator in congress for the next senatorial term.

And then he withdrew.

A message from the house of representatives, by Mr. J. Taylor:

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act to provide for the furnishing the circuit courts with a copy of the statute laws;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up, read the first time and ordered to be read a second time.

Engrossed bills, to wit: A bill for the relief of the administrators and heirs of John Stapp, deceased; a bill to release the state's claim to salt water in certain cases; a bill for the benefit of Daniel Trabue; and a bill for the benefit of Charles Willot, sen.; were severally read a third time.

*Resolved*, That the said bills do pass, and that the titles be, respectively, "an act for the relief of the administrators and heirs of John Stapp, deceased;" "an act to release the state's claim to salt water in certain cases;" "an act for the benefit of Daniel Trabue;" and "an act for the benefit of Charles Willot, sen. and Patrick Gilmore."

*Ordered*, That Mr. Owens do carry said bills to the house of representatives, and request their concurrence.

A bill to regulate the fees of inspectors in this commonwealth, was taken up and committed to Messrs. Wickliff, Churchill, Taylor, Johnson, Crutcher and Faulkner.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Jones—A bill limiting the time for which deputy sheriffs may continue in office.

By Mr. Wickliff—A bill to amend the act establishing independent banks in this commonwealth.

Which were severally read the first time, and ordered to be read a second time.

The rule being dispensed with, the latter bill was read a second time, and committed to a committee of the whole house on the state of the commonwealth for Thursday next.

*Ordered*, That the public printers forthwith print 200 copies of said bill, for the use of the members of the legislature.

Bills from the house of representatives, to wit: An act for the benefit of Charles C. Carson; an act establishing the town of Maxville, in Washington county; and an act to open a road from Mount Sterling to the Virginia line, by way of Prestonsburg, and for other purposes; were severally read a second time—the first amended at the clerk's table, and the said bills were ordered to be read a third time.

The following bills were severally read the second time, to wit: A bill to provide for the revision of the statutes of this commonwealth; a bill further to indulge the settlers on the lands acquired by the treaty of Tellico to pay the state price on their claims.

The former was committed to a committee of the whole house on the state of the commonwealth, and the latter ordered to be engrossed and read a third time.



A message from the house of representatives, by Mr. Breathitt:

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act to extend the term of the Christian circuit court, and to alter the time of holding the Logan circuit court, and for other purposes;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up, read the first time and ordered to be read a second time.

The resolutions on the United States’ banks, were taken up and committed to a committee of the whole house on the state of the commonwealth.

*Ordered*, That the committee for courts of justice be discharged from the further consideration of a bill from the house of representatives, entitled “an act for the benefit of part of the children of William Streshly, deceased;” which was taken up and read a third time.

*Resolved*, That said bill do pass, and that Mr. Johnson inform the house of representatives thereof.

Mr. Faulkner, from the joint committee of enrolments, reported that they had examined sundry enrolled resolutions, of the following titles, to wit: A resolution for the encouragement of domestic manufactures; a resolution appointing a committee to examine the accounts of the commissioners appointed under the act for the improvement of internal navigation; a resolution authorising the auditor to employ additional counsel to prosecute suits against the officers of the United States’ banks; a resolution fixing on a day on which to elect a senator in congress for the next senatorial term; a resolution for the examination of the Bank of Kentucky and its branches; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Barr:

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled resolutions, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker affixed his signature to said resolutions, being the same just reported by Mr. Faulkner, and they were delivered to the joint committee, to be presented to the lieutenant-governor for his signature.

On the motion of Mr. Southgate, leave was given to bring in a bill to provide for the appointment and compensation of

commonwealth's attornies. And Messrs. Southgate, Barry, Bledsoe and Johnson were appointed a committee to prepare and bring in the same.

A bill for taking the sense <sup>in</sup> the good people of this commonwealth on the propriety of calling a convention, was read a second time, as follows, to wit :

#### A BILL

*For taking the sense of the good people of this Commonwealth on the propriety of calling a convention.*

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the sheriffs and other officers superintending elections throughout this commonwealth, at each and every place of holding elections for representatives, at the next general election for representatives, to open a poll to take the votes of all those persons entitled to vote for representatives, to vote for or against calling a convention, as every such voter may choose ; and it shall moreover be the duty of all such sheriffs and returning officers, to return to the secretary of state for the time being, within 30 days after such election, such polls, with the names of all those voting for the calling of a convention ; which returns the secretary shall lay before the general assembly at their next succeeding annual session.

And the question being taken on engrossing and reading said bill a third time, it was resolved in the negative—Yeas 15, nays 16.

The yeas and nays being required thereon by Messrs. Bledsoe and Harrison, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Bridges, Chambers, Crutcher, Davidson, Given, Griffin, Harrison, Johnson, Jones, Owens, Slaughter, Wickliff, Wilson, Wood and Worthington.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Barry, Bartlett, Bledsoe, Churchill, Davidge, Eve, Faulkner, Ford, Mason, Perrin, South, Southgate, Taylor, Thompson and Yancey.

And so the said bill was rejected.

And then the senate adjourned.

WEDNESDAY, DECEMBER 16, 1818.

The senate assembled.

*Ordered*, That Messrs. Wick<sup>off</sup>, Bledsoe, Faulkner, Owens and Wood be appointed a committee on the part of the senate to examine the accounts of the commissioners appointed under the act for the improvement of internal navigation.

A message from the house of representatives, by Mr. Jones:

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled “an act further to regulate the debt due the commonwealth for the sale of vacant land.

And then he withdrew.

Mr. Yancey, from the committee to whom was referred a bill to incorporate the Bowling Green Bridge Company, reported the same with an amendment, which was read as follows, to wit:

§ 16. *Be it further enacted*, That the said company, and in case the corporation is not sufficient, then the individuals owning stock in the said corporation, shall be liable to pay the proprietor of any boat or other craft, and the proprietor of all produce and other merchandize or property shipped or put on board any boat or craft for the purpose of descending said river, all damage which the proprietor of such boat, craft, produce, merchandize or property may sustain in consequence of the erection of said pillar in said river: *Provided*, such damage be not occasioned by the negligence of the proprietor, or the hands employed in the navigation of the boat or other craft descending the said river.

§ 17. *Be it further enacted*, That the said company, by the president and directors thereof, shall annually on the first Monday in June, enter into bond with security, to be approved of by the Warren circuit court, at the first spring term, in a penalty not less than \$20,000; which bond shall be given to the commonwealth of Kentucky, and shall be filed with the clerk of said court; conditioned well and truly to pay all damages and costs which the said company, or the individuals holding stock therein, may be subject to under the provisions of this act. Which said bond shall not be void on the first recovery, but may be put in suit from time to time by any and all persons, to recover all damages sustained by the erection of said bridge.

And the question being taken on concurring therein, it was resolved in the affirmative—Yeas 16, nays 15.

The yeas and nays being required thereon by Messrs. Yancey and Mason, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Bartlett, Bledsoe, Churchill, Eve, Griffin, Jones, Mason, Owens, Perrin, Southgate, Taylor, Thompson, Wickliff, Wood, Worthington and Yancey.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Barry, Bridges, Chambers, Crutcher, Davidge, Davidson, Faulkner, Ford, Given, Harrison, Johnson, Slaughter, South and Wilson.

The bill as amended was ordered to be engrossed and read a third time.

The senate received a message in writing from the lieutenant-governor, by Mr. Waggener, containing certain nominations, to wit :

*Gentlemen of the Senate,*

I nominate for your advice and consent, James J. Dozier, notary public in and for the county of Bullitt.

William J. Saffer, notary public in and for the county of Pulaski.

John Hackley, notary public in and for the county of Nelson.

Nathaniel Porter, notary public in and for the county of Butler.

The county court of Boone county having omitted to recommend two proper persons to fill the office of sheriff of said county, in the months of September, October or November last, according to the 31st section of the 3d article of the constitution, I nominate for that office Jeremiah Kirtley, of said county.

For the information of the senate, it may be proper to state, that Mr. Kirtley is the eldest justice of the peace in said county, and the first named in a recommendation for that office, made by the said court in the present month, and herewith transmitted.

I nominate Urbin Ewing, of Logan county, for the office of sheriff of said county ; being of opinion that the county court of said county, according to the 31st section of the 3rd article of the constitution, ought to have recommended the said Urbin as one of the persons to fill said office. From the record and proceedings of the county court of said county, herewith transmitted for the information of the senate, it appears to me that a just regard was not had to seniority in office, and a regular rotation in the recommendation for said office made by said court. Urbin Ewing is an elder justice

than either of the persons recommended, and it is not alleged that he was not a fit and proper person to fill the said office; but the contrary is clearly to be inferred from the statement contained in the bill of exceptions. It was certainly the intention of the constitution, to give this office to the justices in rotation, as an inducement to good men to serve, and as a compensation for services for which they would not otherwise be remunerated, unless the persons entitled to be recommended, according to seniority and rotation, were improper persons for the office. Influenced by these considerations, and a sense of duty to the constitution and the individual whose constitutional claim to be recommended has been, in my view, improperly disregarded by the county court, I have made the above nomination. All which is respectfully submitted.

I nominate John S. Vincent, notary public in and for the county of Bourbon and town of Millersburg.

GABL. SLAUGHTER.

Dec. 16th, 1818.

*State of Kentucky, Logan County, set.*

Be it remembered, that heretofore, to wit, at a county court begun and held for the county of Logan aforesaid, at the court-house in the town of Russellville, on the 16th day of November 1818: Justices present—Reuben Browning, Richard Boyce, Charles Morehead, William Curd, Joseph Bigger, David Sawyer, Smith Lofland, Joseph Sloss, Boanerges Roberts, Edward Neely, William Airigel, Jacob Rowland, George McLean, John Barnett, Cardwell Breathitt, James Gleun and Robert Ewing, gentlemen justices; when the following order was made, to wit:

“Whereas the time for which Young Ewing, Esq. was appointed sheriff of this county, will expire in February next; the court, a majority of all the justices in this county being present and concurring herein, do nominate to his excellency the governor of this state, Reuben Browning and Richard Boyce, Esqs. as proper persons to fill said office—a just regard being paid to seniority in office and regular rotation.”

To which nomination Urbin Ewing, Esq. excepts; which bill of exception reads in the words, &c. following, to wit:

“Be it remembered, that upon the question with respect to the nomination of magistrates for the next sheriff of the county of Logan, Urbin Ewing insisted upon his right constitutionally of being nominated as one of the magistrates (he, the said Urbin Ewing, being the eldest magistrate) for said



office; but the court refused to make said nomination of Urbin Ewing, and nominated Reuben Browning and Richard Boyce, Esqs. The court refused to nominate said Ewing, on the grounds, that he was in a former nomination, in which he was second in nomination, Robert Ewing being first, who was commissioned and refused to accept; after he had received the commission, returned it to the governor with his resignation; after which the governor offered to nominate Urbin Ewing to the Senate, who refused to be nominated at that time, and another was commissioned. Upon which said vote of nomination, there not being a constitutional majority without the votes of said Browning and Ewing, whereupon said Browning voted for himself, said Ewing refusing to vote, it made a majority for Browning of all the magistrates in the county—the vote stood, for Browning eleven, and Ewing seven, there being twenty-one justices in the county. To which opinion of the court, and the proceedings thereon, said Urbin Ewing excepts; and prays this bill be signed and entered of record, &c.

ROBERT EWING, P. J. L. C. C.”

Which was ordered to be signed by the presiding justice, which was done accordingly, &c.

*Logan County, sct.*

I, Spencer Curd, clerk of the county court of Logan aforesaid, do hereby certify, that the foregoing pages contain a complete transcript of the record and proceedings had before the county court, in the case therein specified.

In testimony whereof, I have hereunto set my hand, this 18th day of November 1818.

SPENCER CURD.

*Logan County, sct.*

I, Spencer Curd, clerk of the county court of Logan aforesaid, do hereby certify, that the following are all the justices of the peace now in commission in said county, to wit: Urbin Ewing, Reuben Browning, Richard Boyce, James Glenn, Smith Lofland, William Curd, John Barnett, Charles Morehead, Joseph Bigger, Edward Neely, Jacob Rowland, Cardwell Breathitt, Boanerges Roberts, David Sawyer, William Airigel, George M'Lean, Joseph Sloss, Thomas S. Slaughter, William Whitsett and Robert Ewing; three of whom were absent when the nomination for sheriff was made on the 16th inst. to wit, Urbin Ewing, Thomas S. Slaughter and William Whitsett; the residue of which was on the bench and voted. Those who voted for Urbin Ewing to be nominated instead of Browning, were, James Glenn, William

Curd, John Barnett, Jacob Rowland, Cardwell Breathitt, Robert Ewing and George M'Lean—making seven for Ewing; the residue voted for Browning, including himself, making ten votes for Browning; and there are twenty justices of the peace in the county.

In testimony whereof, I have hereunto set my hand, this 18th November 1818.

SPENCER CURD.

Which were taken up and severally read.

*Resolved*, That the senate advise and consent to the said nominations, except to that of Urbing Ewing as sheriff of Logan county, which was committed to the committee for courts of justice.

*Ordered*, That Messrs. Southgate, Thompson and Perrin acquaint the lieutenant-governor therewith.

The senate received information by Mr. Waggener, that the lieutenant governor did on this day approve and sign sundry enrolled resolutions which originated in the senate, of the following titles, to wit: A resolution fixing on a day on which to elect a senator in congress for the next senatorial term; a resolution for the encouragement of domestic manufactures; a resolution authorising the auditor to employ additional counsel to prosecute suits against the officers of the United States' banks; a resolution for the examination of the Bank of Kentucky and its branches; a resolution appointing a committee to examine the accounts of the commissioners appointed under the act for the improvement of internal navigation.

*Ordered*, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Barr:

*Mr. Speaker*—The speaker of the house of representatives having signed an enrolled resolution, appointing a committee to examine the accounts of the commissioners appointed under the act for the improvement of internal navigation, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said resolution, and it was delivered to the joint committee, to be presented to the lieutenant-governor for his signature and approbation.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Barry—1. A bill for altering the terms of the Fayette-circuit court.

On the motion of Mr. Owens—2. A bill authorising the county court of Pulaski to make additions to the town of Somerset.

On the motion of Mr. South—3. A bill to exempt certain property from execution.

And on the motion of Mr. Johnson—4. A bill to authorise certain advertisements to be published in the Southern Gazette of Kentucky.

*Ordered*, That Messrs. Barry, Thompson, Bledsoe and Taylor be appointed a committee to prepare and bring in the first; Messrs. Owens, Griffin, Wood and Yancey, the second; Messrs. South, Taylor, Harrison, Bledsoe and Bridges, the third; and Messrs. Johnson, Owens and Yancey, the fourth.

Mr. Barry, from the first committee, and Mr. Owens, from the second, severally reported bills, which were read the first time and ordered to be read a second time.

An engrossed bill to increase the pay of the members of the legislature, was read the third time, as follows, to wit :

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of the general assembly of this commonwealth shall hereafter each receive three dollars per day for their attendance on the legislature, and two dollars and fifty cents for every twenty miles they shall necessarily travel in going to and returning from the place of its session to their respective places of residence, in lieu of the compensation now allowed them by law. This act shall commence and be in force from and after the tenth day of August next.

And the question being taken on the passage thereof, it was resolved in the negative—Yeas 8, nays 23.

The yeas and nays being required thereon by Messrs. Yancey and Given, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Chambers, Dayidge, Eve, Faulkner, Given, Perrin, Wilson and Worthington.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Barry, Bartlett, Bledsoe, Bridges, Churchill, Crutcher, Davidson, Ford, Griffin, Harrison, Johnson, Jones, Mason, Owens, Slaughter, South, Southgate, Taylor, Thompson, Wickliff, Wood and Yancey.

And so the said bill was rejected.

A bill from the house of representatives, entitled “an act to open a road from Mountsterling to the Virginia line, by

way of Prestonsburg, and for other purposes, was read a third time.

Mr. Crutcher moved to lay the bill on the table until the fourth day of July next; and the question being taken thereon, it was resolved in the negative—Yeas 9, nays 21.

The yeas and nays being required thereon by Messrs. Harrison and Given, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Crutcher, Faulkner, Given, Griffin, Harrison, Slaughter, Southgate and Wilson.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Barry, Bledsoe, Bridges, Chambers, Churchill, Davidge, Davidson, Eve, Ford, Jones, Mason, Owens, Perrin, South, Taylor, Thompson, Wickliff, Wood, Worthington and Yancey.

The bill was then laid on the table indefinitely.

Bills from the house of representatives of the following titles, to wit: An act for the benefit of Charles C. Carson; an act establishing the town of Maxville, in Washington county; an act to provide for furnishing the circuit courts with a copy of the statute laws; an act to extend the line of Ohio county; and an act to extend the term of the Christian circuit court, and to alter the time of holding the Logan circuit court, and for other purposes; were severally read, the two former a third time, and the three latter a second time.

*Resolved*, That the two former bills do pass, and that the clerk inform the house of representatives thereof.

The third was committed to Messrs. Bledsoe, Bridges, Barry, Southgate, Owens and Davidge; the fifth was committed to Messrs. Davidge, Bartlett, Ford, Wilson, Barry and Wood; and the fourth was ordered to be read a third time.

An engrossed bill further to indulge the settlers on the lands acquired by the treaty of Tellico to pay the state price on their claims, was read a third time.

*Resolved*, That the said bill do pass, and that the title be "an act further to indulge the settlers on the lands acquired by the treaty of Tellico to pay the state price on their claims;" and that the clerk do carry said bill to the house of representatives and request their concurrence.

A bill appointing commissioners to view a way for a state road from Danville to the Tennessee line, on a direction to intersect the national road from New-Orleans to the Muscle Shoals, was taken up and committed to Messrs. Faulkner, Owens, Harrison, Wood, Given, Eve, Griffin and Davidson.

A bill limiting the time for which deputy sheriffs may continue in office, was taken up, and Mr. Churchill moved to strike out the enacting clause; and the question being taken thereon, it was resolved in the negative—Yeas 10, nays 20.

The yeas and nays being required thereon by Messrs. Churchill and Barry, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Churchill, Crutcher, Davidson, Davidge, Eve, Given, Griffin, Wickliff, Wood and Wilson.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bartlett, Bledsoe, Barry, Bridges, Chambers, Faulkner, Ford, Harrison, Jones, Mason, Owens, Perrin, South, Southgate, Slaughter, Taylor, Thompson, Worthington and Yancey.

*Ordered*, That the bill be engrossed and read a third time.

A bill to change the time of meeting of the general assembly, was read a second time and ordered to be engrossed and read a third time.

And then the senate adjourned.

#### THURSDAY, DECEMBER 17, 1818.

The senate assembled.

Mr. Wickliff, from the select committee to whom was referred a bill to regulate the fees of inspectors in this commonwealth, reported the same with amendments; which, together with the bill, were ordered to be laid on the table.

A message from the house of representatives, by Mr. Haynes:

*Mr. Speaker*—The house of representatives have passed bills of the following titles, to wit: An act supplemental to an act passed on the 15th of December 1817, for the benefit of the widow and heirs of Thomas Clark; and an act for the benefit of Thomas Bonnel; in which they request the concurrence of the senate.

And then he withdrew.

The said bills were taken up and severally read the first time, and ordered to be read a second time.

A bill authorising the county court of Pulaski to make additions to the town of Somerset, was read a second time and ordered to be engrossed and read a third time.

Engrossed bills, to wit: A bill to change the time of meeting of the general assembly; a bill limiting the time for which deputy sheriffs may continue in office; and a bill to



incorporate the Bowling-Green Bridge Company; were severally read a third time.

The first was committed to a committee of the whole house on the state of the commonwealth; the second committed to Messrs. Bledsoe, Barry, Jones, Owens and Crutcher. The question being taken on the passage of the third bill, it was resolved in the affirmative—Yeas 27, nays 3.

The yeas and nays being required thereon by Messrs. Yancey and Davidge, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Bartlett, Bledsoe, Bridges, Chambers, Churchill, Crutcher, Davidge, Davidson, Eve, Faulkner, Ford, Given, Griffin, Harrison, Johnson, Jones, Mason, Perrin, Slaughter, South, Southgate, Taylor, Thompson, Wilson and Worthington.

Those who voted in the negative, are, Messrs. Wickliff, Wood and Yancey.

*Resolved*, That the said bill do pass, and that the title be "an act to incorporate the Bowling-Green Bridge Company;" and that Mr. Johnson do carry said bill to the house of representatives, and request their concurrence.

Mr. Bledsoe, from the committee to whom was referred an engrossed bill limiting the time for which deputy sheriffs may continue in office, reported the same with an amendment, which was read and concurred in, and the bill ordered to be re-engrossed and read again.

Mr. Bledsoe nominated Mr. Richard M. Johnson, and Mr. Owens nominated Mr. William Logan, as proper persons to fill the office of senator to represent this state in the congress of the United States, for the ensuing six years, to commence on the fourth day of March next.

On the motion of Mr. Bledsoe,

*Ordered*, That a message be sent to the house of representatives, to inform them that the senate are now ready, by a joint vote with the house of representatives, to proceed to the election of a senator to represent this state in the congress of the United States, for the ensuing six years, to commence on the fourth day of March next; and that Messrs. Richard M. Johnson and William Logan stand on the nomination before the senate for that office: And that Mr. Bledsoe do carry said message.

A message from the house of representatives, by Mr. McKee:

*Mr. Speaker*—I am directed to inform the senate, that the house of representatives are now ready, by a joint vote with

the senate, to proceed to the election of a senator to represent this state in the congress of the United States, for the ensuing six years, to commence on the fourth day of March next; and that the same gentlemen stand on the nomination for that office, as those reported from the senate.

And then he withdrew.

The senate then proceeded in the said election, and upon taking the vote it stood thus:

For Mr. Johnson—Messrs. Barry, Bledsoe, Chambers, Eve, Johnson, Perrin, South, Southgate, Taylor, Thompson, Wood and Yancey—12.

For Mr. Logan—Mr. Speaker, and Messrs. Bartlett, Bridges, Churchill, Crutcher, Davidge, Davidson, Faulkner, Ford, Given, Griffin, Harrison, Jones, Mason, Owens, Slaughter, Wickliff, Wilson and Worthington—19.

Messrs. Bledsoe and Owens were then appointed a committee on the part of the senate, to meet a committee from the house of representatives, to compare the votes and report in whose favor the majority should appear.

The said committee retired, and after a short time returned, when Mr. Bledsoe reported that the joint vote stood thus:

For Mr. Johnson, 55

For Mr. Logan, 67

Mr. Logan having received a majority of all the votes, was thereupon declared duly elected as a senator to represent this state in the congress of the United States, for the ensuing six years, from and after the fourth day of March next.

A bill from the house of representatives, entitled "an act to open a road from Mountsterling to the Virginia line, by way of Prestonsburg, and for other purposes," was taken up; and the question being taken on the passage thereof, it was resolved in the affirmative—Yeas 20, nays 11.

The yeas and nays being required thereon by Messrs. Harrison and Bledsoe, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Bledsoe, Bridges, Chambers, Churchill, Davidge, Eve, Ford, Johnson, Jones, Mason, Owens, Perrin, South, Taylor, Thompson, Wickliff, Wood and Worthington.

Those who voted in the negative, are, Messrs. Bartlett, Crutcher, Davidson, Faulkner, Given, Griffin, Harrison, Slaughter, Southgate, Wilson and Yancey.

*Resolved*, That the said bill do pass, and that Mr. Mason inform the house of representatives thereof.

And then the senate adjourned.

FRIDAY, DECEMBER 18, 1818.

The senate assembled.

Mr. Barry, from the committee for courts of justice, made the following report, to wit:

The committee for courts of justice have, according to order, had under consideration the nomination of Urbin Ewing, as sheriff of Logan county, to them referred, and have come to the following resolutions thereupon, to wit:

*Resolved*, Inasmuch as the county court of Logan have recommended to the acting governor, two persons, proper in their judgment to fill the office of sheriff in said county, and they are constitutionally the only judges on this subject, that neither the executive nor this senate have a right to reverse the decision of said court: Wherefore,

*Resolved*, That the senate do not advise and consent to the nomination of Urbin Ewing, as sheriff of Logan county.

Which was read and ordered to be laid on the table until Tuesday next.

A message from the house of representatives, by Mr. T. Ward:

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act to amend an act entitled an act to amend the several acts concerning the importation and emancipation of slaves, approved February 8th, 1818;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up, read the first time and ordered to be read a second time.

A message from the house of representatives, by Mr. Duncan (of Lincoln):

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act for the benefit of Daniel and Anthony Owsley;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up, read the first time, and the rule being dispensed with, it was read a second time, and committed to Messrs. Faulkner, Davidson, Bridges and Jones.

Mr. Davidge, from the committee to whom was referred a bill from the house of representatives, entitled “an act to extend the term of the Christian circuit court, and to alter the time of holding the Logan circuit court, and for





A message from the house of representatives, by Mr. Hardin :

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act for the benefit of the register of the land-office;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up, read the first time, and the rule being dispensed with, it was read a second and third time.

*Resolved*, That the said bill do pass, and that the clerk inform the house of representatives thereof.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit :

By Mr. Southgate—A bill to amend the act entitled “an act respecting the conveyance, and also the division of the real estate of William Kennedy, Benjamin Beall and Jennett H. Beall, late of the county of Campbell.

And by the same—A bill providing for the appointment and compensation of commonwealth’s attorneys for the circuit courts.

Which were severally read the first time.

The former was ordered to be read a second time ; and the rule being dispensed with, the latter was read a second time and committed to a committee of the whole house on the state of the commonwealth.

Mr. Faukner, from the committee to whom was referred a bill appointing commissioners to view a way for a state road from Danville to the Tennessee line, on a direction to intersect the national road from New-Orleans to the Muscle Shoals, reported the same with amendments, which, together with the bill, were ordered to be laid on the table until Tuesday next.

Engrossed bills, to wit : A bill authorising the county court of Pulaski to make additions to the town of Somerset ; and a bill limiting the time for which deputy sheriffs may continue in office ; were severally read again.

*Resolved*, That the former bill do pass, and that the title be “an act authorising the county court of Pulaski to make additions to the town of Somerset ; and that the clerk do carry said bill to the house of representatives and request their concurrence.

The latter bill was committed to messrs. Owens, Bledsoe, Barry and Jones.

Bills from the house of representatives of the following titles, to wit : An act for the benefit of Thomas Bonnel ; and



an act supplemental to an act passed on the 15th of December 1817, for the benefit of the widow and heirs of Thomas Clark; were severally read a second time.

And the rule being dispensed with, the said bills were severally read a third time.

*Resolved*, That the said bills do pass, and that the clerk do inform the house of representatives of the passage of the former, and Mr. Given of the latter.

The senate received a message in writing from the lieutenant-governor, containing certain nominations, which were taken up and read as follows, to wit:

*Gentlemen of the Senate,*

I nominate for your advice and consent, Henry O. Brown, notary public in and for the county of Harrison, in place of Joseph Taylor, resigned.

James Hughes, jun. notary public in and for the county of Washington.

Samuel M'Affee, sheriff of the county of Mercer.

Absalom Adams, sheriff of the county of Harrison.

The two gentlemen last named, have been recommended by their respective county courts; but it having been done at the December term, and not at the terms prescribed by the constitution, I am of opinion that the approbation of the senate is necessary to authorise the executive to commission them.

#### GABL. SLAUGHTER.

Dec. 18th, 1818.

*Resolved*, That the senate advise and consent to said nominations, and that Messrs. Perrin, Bridges and Harrison acquaint the lieutenant-governor therewith.

The speaker laid before the senate a letter from the honorable William Logan, which was taken up and read as follows, to wit:

*The honorable the Speaker of the Senate,*

SIR,

Chosen by the representatives of the people, to the senate of the Union, permit me through you to avail myself of the earliest and most convenient opportunity, to discharge to the house over which you have the honor to preside, *that debt* of gratitude and sensibility, with which every feeling of my heart is so deeply impressed.

As a child of '76—born in a *fort*, and raised and educated principally amongst the first adventurers of a wilderness, the most I can promise, will be a scrupulous regard over the sub-

stantial rights and liberties of our country, rather than *tasty* improvements in splendor and refinement.

To represent *truly*, in *spirit* and in *deed*, the *will*, the *interest*, and the *feelings* of our country, is the fervent prayer of my heart. And if in the course of events I shall unfortunately, to my mortification, be unable to do so with the united effort of heart and mind, I will be ready, at the earliest opportunity consistent with immediate duty, to surrender up into the hands of my country the delegated trust. To act otherwise, would be seeming to do, what secretly I might be wishing not to do—would be like arguing against mind—and combating without nerve, when to sustain the interest of the commonwealth, the intrinsic value of both heart and mind would be essential to unite. And in such a case, a representative in whom both might be sincerely found, ought to be preferred.

Accept, sir, assurances of personal respect for yourself, and for the senate of my country.

WILLIAM LOGAN.

And then the senate adjourned.

SATURDAY, DECEMBER 19, 1818.

The senate assembled.

Mr. Worthington presented the petition of the trustees of the Union academy, praying the passage of a law to authorise them to dispose of two tracts of land, for the purpose of erecting a permanent building on a lot in Morganfield.

Mr. Bridges presented the petition of the elders and members of the Harrodsburg presbyterian church, praying the passage of a law authorising the Mercer county court to give them authority to erect a house of public worship on some part of the public square in the town of Harrodsburg.

Which were severally read and referred, the former to a select committee of Messrs. Worthington, Slaughter, Bridges and Given, and the latter to Messrs. Bridges, Southgate and Taylor; who severally have leave to report by bill or otherwise.

Mr. Owens, from the committee to whom was referred an engrossed bill limiting the time for which deputy sheriffs may continue in office, reported the same with amendments, which were read and concurred in, and with the bill ordered to be laid on the table until Tuesday next.

Mr. South, from the committee appointed for that purpose, reported a bill allowing an additional justice of the peace in Bath county; which was read the first time. The rule being dispensed with, it was read a second time, and ordered to be engrossed and read a third time.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Jones in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Jones reported, that the committee had according to order had under consideration resolutions on the United States' branch banks, and had gone through the same with amendments, which he handed in at the clerk's table, where the same were read as follows, to wit: Amend the fifth paragraph of the preamble, to read "while the stock of our state bank and other banks is taxed for the support of government, the president and directors of the United States' bank deny," &c.; amend the second resolution to read, "*Resolved*, that our senators in congress be instructed, and our representatives be requested," &c.; and add to the end of the last resolution, "of the withdrawal of their branches promptly from this state;" and concurred in.

And the question being taken on adopting the resolutions as amended, it was resolved in the affirmative—Yeas 24, nays 1.

The yeas and nays being required thereon by Messrs. Yancey and Crutcher, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bartlett, Bridges, Chambers, Crutcher, Eve, Faulkner, Ford, Given, Griffin, Harrison, Jones, Mason, Owens, Perrin, South, Slaughter, Southgate, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.

Mr. Davidson voted in the negative.

*Ordered*, That Mr. Crutcher acquaint the house of representatives therewith, and request their concurrence.

A bill to amend the act entitled "an act respecting the conveyance, and also the division of the real estate of William Kennedy, Benjamin Beall and Jennette H. Beall, late of the county of Campbell," was read a second time; and the same having been engrossed and the rule dispensed with, it was read a third time.

*Resolved*, That the said bill do pass, and that the title be "an act to amend the act entitled an act respecting the conveyance, and also the division of the real estate of William Kennedy, Benjamin Beall and Jennette H. Beall, late of the county of Campbell;" and that the clerk do carry said bill

to the house of representatives, and request their concurrence.

Mr. Jones moved the following resolution :

*Resolved*, That so much of the lieutenant-governor's message as relates to re-chartering the Bank of Kentucky, be referred to a select committee, with leave to report by bill or otherwise.

Which was read and adopted, and Messrs. Jones, Owens, Southgate, Bledsoe, Bridges and Davidge appointed a committee conformably to said resolution.

And then the senate adjourned.

### MONDAY, DECEMBER 21, 1818.

The senate assembled.

A message from the house of representatives, by Mr. M'Kee :

*Mr. Speaker*—The house of representatives adhere to their third and fourth amendments proposed to a resolution from the senate, appointing committees to examine the public offices.

And then he withdrew.

The said amendments were then taken up and read again.

On motion,

The senate refused to recede from their disagreement, and Mr. Owens was requested to solicit of the house of representatives the appointment of a committee of conference upon the subject.

A message from the house of representatives, by Mr. Sharp :

*Mr. Speaker*—The house of representatives consent to have a conference on the disagreement of the senate to the third and fourth amendments proposed by them to a resolution appointing committees to examine the public offices, and have appointed a committee on their part.

Whereupon Messrs. Owens, Bridges and Southgate were appointed a committee of conference on the part of the senate, to meet a committee from the house of representatives.

And the said committee retired, and after a short time Mr. Owens made the following report, to wit :

The committee of conference appointed to confer upon the resolution appointing a joint committee to examine the auditor's office, beg leave to recommend the adoption of the following resolution :

*Resolved*, That the house of representatives do recede from their amendment proposed to said resolution; and that at any time one member from the senate, and two from the house of representatives, shall be sufficient to do business in said office.

From the senate,

WILLIAM OWENS, *Chairman*.

From the house of representatives,

WILLIAM CALDWELL, *Chairman*.

Which was read and adopted.

Mr. Given presented the petition of sundry citizens of Hopkins county, in behalf of the heirs of Christopher Hardwick, deceased, praying that a law may be passed remitting the state price on 400 acres of land in said county.

Mr. Wood presented the petition of sundry citizens of Wayne county, praying that a law may be passed donating to Agness Snider, a poor widow of said county, 50 acres of vacant land on which she resides.

Mr. Crutcher presented the petition of sundry citizens of Hardin county, praying that a law may be passed altering the mode of taking in the lists of taxable property.

Also the petition of sundry citizens of said county, praying that the terms of their circuit court may be extended.

Which were severally read and referred, the first to a select committee of messrs. Given, Worthington and Slaughter; the second to messrs. Wood, Griffin, Eve and Davidson; the third to messrs. Crutcher, Southgate, Harrison, Owens and Faulkner; who severally have leave to report by bill or otherwise; and the fourth to the committee for courts of justice.

A message from the house of representatives, by Mr. Hunter:

*Mr. Speaker*—The speaker of the house of representatives has signed two enrolled bills, entitled “an act for the benefit of part of the children of William Shuresbrey, deceased,” and “an act in addition to an act entitled an act to incorporate the Louisville Insurance company;” and I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, and they were delivered to the joint committee, to be presented to the lieutenant-governor for his approbation and signature. And after a short time Mr. Chambers, from said committee, reported that they had performed that duty.



MR. FAULKNER, from the committee to whom was referred a bill from the house of representatives entitled "an act for the benefit of Daniel and Anthony Owsley, reported an amendment in lieu of the bill, which was twice read and concurred in, and the bill as amended was ordered to be read a third time; which being done,

*Resolved*, That the said bill as amended do pass, and that the title be amended to read "an act for the benefit of Daniel and Anthony Owsley, Jacob Boyer and Samuel Ross;" and that Mr. Faulkner inform the house of representatives thereof, and request their concurrence in the amendments.

A message from the house of representatives, by Mr. Williams:

*Mr. Speaker*—The house of representatives have adopted the following resolution, to wit:

IN THE HOUSE OF REPRESENTATIVES, Dec. 21st, 1818.

*Resolved*, That when we adjourn on the 22d inst. we will adjourn until Monday the 28th inst.

Extract, &c.—Attest, R. S. TODD, C. H. R.

In which they request the concurrence of the senate.

And then he withdrew.

The said resolution was taken up, read, and the question being taken on adopting it, it was resolved in the negative—Yeas 12, nays 12.

The yeas and nays being required thereon by Messrs. Wilson and Wood, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Bridges, Chambers, Churchill, Crutcher, Davidson, Eve, Faulkner, Ford, Mason, Taylor and Wickliff.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Given, Griffin, Harrison, Owens, Slaughter, South, Southgate, Wilson, Wood, Worthington and Yancey.

The vote being equal, the speaker, agreeably to a rule of the senate, declared the resolution disagreed to.

Mr. Given then moved to re-consider the vote; and on taking the vote thereon, it was resolved in the affirmative—Yeas 13, nays 10.

The yeas and nays being required thereon by Messrs. Wood and Mason, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bridges, Chambers, Churchill, Crutcher, Davidson, Eve, Faulkner, Ford, Given, Mason, Taylor and Wickliff.

Those who voted in the negative, are, Messrs. Griffin, Harrison, Owens, Slaughter, South, Southgate, Wilson, Wood, Worthington and Yancey.

The question was then taken again on adopting said resolution, and it was resolved in the affirmative—Yeas 14, nays 11.

The yeas and nays being required thereon by Messrs. Wood and Crutcher, were as follows, to wit :

Those who voted in the affirmative, are, Messrs. Bartlett, Bridges, Chambers, Churchill, Crutcher, Davidson, Eve, Faulkner, Ford, Given, Mason, Taylor, Thompson and Wickliff.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Griffin, Harrison, Owens, Slaughter, South, Southgate, Wilson, Wood, Worthington and Yancey.

*Ordered*, That Mr. Crutcher inform the house of representatives thereof.

An engrossed bill to alter the time of meeting of the general assembly, was taken up and the blanks therein filled ; and it was moved to lay it on the table until the first day of March next, and the question being taken thereon, it was resolved in the negative—Yeas 8, nays 17.

The yeas and nays being required thereon by Messrs. Churchill and Crutcher, were as follows, to wit :

Those who voted in the affirmative, are, messrs. Bridges, Churchill, Eve, Ford, Given, Mason, Southgate and Thompson.

Those who voted in the negative, are, Mr. Speaker, and messrs. Bartlett, Chambers, Crutcher, Davidson, Faulkner, Griffin, Harrison, Owens, Slaughter, South, Taylor, Wickliff, Wilson, Wood, Worthington and Yancey.

The question was then taken on the passage of the bill, and it was resolved in the affirmative—Yeas 17, nays 8.

The yeas and nays being required thereon by Messrs. Crutcher and Churchill, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bartlett, Chambers, Crutcher, Davidson, Eve, Faulkner, Griffin, Harrison, Owens, South, Taylor, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Bridges, Churchill, Ford, Given, Mason, Slaughter, Southgate and Thompson.

*Resolved*, That the said bill do pass, and that the title be “an act to alter the time of meeting of the general assembly.”

*Ordered*, That Mr. Crutcher do carry said bill to the house of representatives and request their concurrence.

A bill to regulate the fees of inspectors in this commonwealth, with the proposed amendments, was taken up and committed to Messrs. Owens, Wickliff, Churchill, Faulkner, Chambers and Taylor.

A message from the house of representatives, by Mr. Todd :

*Mr. Speaker*—The speaker of the house of representatives having signed sundy enrolled bills of the following titles, to wit : An act to open a road from Mountsterling to the Virginia line, by way of Prestonsburg, and for other purposes ; an act for the benefit of the register of the land-office ; an act for the benefit of Thomas Bonnel ; an act supplemental to an act passed on the 15th of December 1817, for the benefit of the widow and heirs of Thomas Clark ; and an act establishing the town of Maxville, in Washington county ; I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, and they were delivered to the joint committee, to be presented to the lieutenant-governor for his approbation and signature. And after a short time, Mr. Chambers, from said committee, reported that they had performed that duty.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit :

By Mr. Wickliff—1. A bill to incorporate the Beech Fork Navigation Company.

By Mr. Worthington—2. A bill for the benefit of the Union academy.

By Mr. Crutcher—3. A bill to alter the mode of taking in lists of taxable property.

And by Mr. Eve—4. A bill for the benefit of Catherine Amis.

Which were severally read the first time. The rule being dispensed with, the first and second were severally read the second time ; the first was committed to a committee of the whole house on the state of the commonwealth, and the second was ordered to be engrossed and read a third time. The third and fourth were ordered severally to be read a second time.

An engrossed bill to extend the time for returning plats and certificates into the register's office, and for surveying certain lands in this commonwealth, with the proposed amendments, was taken up and committed to messrs. Southgate, Owens, Taylor and Harrison.

On the motion of Mr. Given, leave was given to bring in a bill for the benefit of James Elder; and messrs. Given, Worthington and Slaughter were appointed a committee to prepare and bring in the same.

An engrossed bill allowing an additional justice of the peace to Bath county, was read a third time.

*Resolved*, That the said bill do pass, and that the title be "an act allowing an additional number of justices of the peace to the counties of Bath, Whitley and Nelson."

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

And then the senate adjourned.

#### TUESDAY, DECEMBER 22, 1818.

The senate assembled.

A message from the house of representatives, by Mr. L. Green:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to amend an act entitled an act to establish and regulate the town of Campbellsville, in Green county;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was then taken up, read the first time, and the rule being dispensed with, it was read a second and third time.

*Resolved*, That the said bill do pass, and that Mr. Owens inform the house of representatives thereof.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Eve—A bill to amend the law concerning the turnpike and wilderness road.

And on the motion of Mr. Harrison—A bill to extend the act concerning commonwealth's attorneys.

*Ordered*, That messrs. Eve, Jones, Griffin, Davidson and Faulkner be appointed a committee to prepare and bring in the former; and messrs. Harrison, Wickliff, Owens and Ford, the latter.

And after a short time, Mr. Harrison, from the latter committee, reported a bill, which was read the first time and ordered to be read a second time.

The nomination of Urbin Ewing as sheriff of Logan county, and the report of the committee for courts of justice thereon, were taken up and read.



Mr. Owens moved to strike out the resolutions after the preamble, and insert the following:

*Resolved*, That the senate do advise and consent to the nomination of Urbin Ewing as sheriff of Logan county.

The question was then taken on adopting the amendment, and it was resolved in the negative—Yeas 13, nays 16.

The yeas and nays being required thereon by messrs. Chambers and Crutcher, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Bridges, Churchill, Crutcher, Davidson, Faulkner, Given, Griffin, Harrison, Owens, Slaughter, Wickliff, Wilson and Worthington.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Chambers, Davidge, Eve, Ford, Johnson, Jones, Mason, Perrin, South, Southgate, Thompson, Wood and Yancey.

And so the amendment was rejected.

The question was then taken upon concurring in the resolutions as reported by the committee for courts of justice, and it was resolved in the affirmative—Yeas 16, nays 13.

The yeas and nays being required thereon by messrs. Bledsoe and Perrin, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Chambers, Davidge, Eve, Ford, Johnson, Jones, Mason, Perrin, South, Southgate, Thompson, Wood and Yancey.

Those who voted in the negative, are, messrs. Bridges, Churchill, Crutcher, Davidson, Faulkner, Given, Griffin, Harrison, Owens, Slaughter, Wickliff, Wilson and Worthington.

*Ordered*, That messrs. Owens and Crutcher acquaint the lieutenant-governor therewith.

Mr. Churchill, from the committee appointed for that purpose, reported a bill authorising a lottery for the purpose of paving the streets of Middletown, and completing the Hope academy therein; which was read the first time and ordered to be read a second time.

A bill appointing commissioners to view a way for a state road from Danville to the Tennessee line, on a direction to intersect the national road from New-Orleans to the Muscle Shoals, with the amendments proposed thereto, was taken up, the amendments disagreed to, and the bill committed to messrs. Bledsoe, Owens, Eve, Wood and Griffin.

An engrossed bill for the benefit of Union academy, was read a third time.



*Resolved*, That the said bill do pass, and that the title be "an act for the benefit of Union academy."

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

A bill for the benefit of Catherine Amis, was read the second time, amended at the clerk's table, and ordered to be engrossed and read a third time.

A message from the house of representatives, by Mr. Underwood:

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act to prevent the making of entries, surveys, and the emanation of grants for certain lands in this commonwealth."

And then he withdrew.

Mr. Faulkner, from the joint committee of enrolments, reported that they had examined two enrolled bills, to wit: An act further to regulate the debt due the commonwealth for the sale of vacant land; and an act to prevent the making of entries, surveys, and the emanation of grants for certain lands in this commonwealth; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Underwood:

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed the said bills, being those reported by Mr. Faulkner to-day, and they were delivered to the joint committee, to be presented to the lieutenant governor for his approbation.

And then the senate adjourned.

#### MONDAY, DECEMBER 28, 1818.

Mr. Speaker, and messrs. Chambers, Ford, Griffin, Harrison, South, Southgate, Wilson, Wood, Worthington and Yancey, appeared and repaired to their seats; and there not being a sufficient number to constitute a quorum, adjourned until to-morrow morning 10 o'clock.

TUESDAY, DECEMBER 29, 1818.

The senate assembled.

Mr. Yancey presented the petition of sundry citizens of Barren county, in behalf of Patty Bohannon, praying that a donation may be made to her of 200 acres of poor vacant land in said county, on which she resides.

Mr. Perrin presented the petition of sundry citizens of Harrison county, praying the establishment of an inspection at Ecklar's mill, on the south fork of Licking.

Which were severally read and referred, the former to messrs. Yancey, Griffin and Johnson, with leave to report by bill or otherwise; and the latter to the committee of propositions and grievances.

The door-keeper being from indisposition unable to attend, thereupon, on the motion of Mr. Chambers.

*Ordered*, That Noel K. Johnson be admitted to act in his stead.

Mr. Yancey, from the joint committee of enrolments, reported that they did on the 22d inst. lay before the lieutenant governor, for his approbation, the enrolled bills last signed by the speakers.

Mr. Perrin, from the committee appointed for that purpose, reported a bill to amend and reduce into one the several acts concerning public roads; which was read the first time and ordered to be read a second time.

And then the senate adjourned.

WEDNESDAY, DECEMBER 30, 1818.

The senate assembled.

The senate received information by Mr. Waggener, that the lieutenant governor did on the 22d inst. approve and sign sundry enrolled bills which originated in the senate, of the following titles, to wit:—An act farther to regulate the debt due the commonwealth for the sale of vacant land; and an act to prevent the making of entries and surveys, and the emanation of grants for certain lands in this commonwealth.

*Ordered*, That the clerk inform the house of representatives thereof.

The speaker laid before the senate a letter from the adjutant-general, which was taken up and read as follows, to wit:

FRANKFORT, Dec. 30th, 1818.

*The honorable the Speaker of the Senate,*

SIR—By a provision of law, the adjutant-general is directed "to keep his office in the state-house, or such other house as the legislature shall provide."

In relation to this subject, permit me through you to report to the senate, that no room in the state-house, or other place, has yet been designated; nor do I know of one that is unoccupied in the state-house, which could be appropriated to the use of the adjutant-general.

The papers and records of the office are now compelled to be kept, and must remain at the mercy of other officers of government, until a room can be provided. The quartermaster general's office, I believe is in the same situation.

If this subject merits the consideration of the legislature, I would beg leave to suggest, that the building now occupied as a seminary, on the public square, is well calculated to answer all the purposes of accommodation of both offices.

The adjutant-general and quartermaster-general's offices can be very conveniently kept in one and the same room. The other room below can be appropriated as an arsenal. The rooms above may be appropriated to some other useful purpose.

The situation of this building on the public square, renders it wholly unfit for the purposes for which it was intended. The trustees are therefore desirous to get rid of it, and will, I have no doubt, dispose of it on good terms.

By making this arrangement, another object, no less desirable, will be obtained. The public square and public buildings will no longer be subject to the depredations and abuses consequent on being in the vicinity of a numerous collection of school boys.

I have the honor to be, very respectfully,

Your most obedient,

O. G. WAGGENER, *Adj't. Gen.*

A message from the house of representatives, by Mr. Duncan (of Daviess):

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to amend an act concerning certain trespasses on land;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was then taken up, read the first time and ordered to be read a second time.

A message from the house of representatives, by Mr. M'Closky :

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act erecting an election precinct in Nelson county;" in which they request the concurrence of the senate.

And then he withdrew.

Mr. Griffin presented the petition of sundry citizens of Casey county, in favor of Rebecca Mitchell, representing that she is a poor widow and has seven children, and is unable to pay the state price on 50 acres of vacant land in said county, on which she resides, and praying that the legislature may make a donation of said land.

Which was read and referred to messrs. Griffin, Yancey, Johnson and Harrison, who have leave to report by bill or otherwise.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Johnson—1. A bill to amend the statute of limitations.

On the motion of Mr. Faulkner—2. A bill to prevent the exportation of slaves from this state for the purpose of sale.

And on the motion of Mr. Bledsoe—3. A bill to establish the town of Marion, in Gallatin county, and for other purposes.

*Ordered*, That messrs. Johnson, Bledsoe, Barry, Bridges, Southgate and Slaughter be appointed a committee to prepare and bring in the first; messrs. Faulkner, Davidge, Bledsoe, Southgate and Barry, the second; and messrs. Bledsoe, Davidge and Thompson, the third.

A bill from the house of representatives, entitled "an act to extend the line of Ohio county," was taken up and read a third time.

*Resolved*, That the said bill do pass, and that Mr. Johnson inform the house of representatives thereof.

A bill from the house of representatives, entitled "an act to amend an act entitled an act to amend the several acts concerning the importation and emancipation of slaves," approved February 8, 1818, was read a second time and ordered to be laid on the table.

The following bills were severally read a second time, to wit: A bill authorising a lottery for the purpose of paving the streets of Middletown, and completing the Hope academy therein; a bill to extend the law concerning commonwealth's attornies; and a bill to amend and reduce into one the several laws concerning public roads.

The former was ordered to be engrossed and read a third time, and the two latter committed to a committee of the whole house on the state of the commonwealth.

The following bills were reported by the several committees appointed to prepare and bring in the same, to wit:

By Mr. Yancey—A bill for the relief of Patty Bohannon.

By Mr. Eve—A bill to amend the law concerning the turnpike and wilderness road.

Which were severally read the first time, and ordered to be read a second time.

An engrossed bill for the benefit of Catherine Amiss, was read a third time and laid on the table.

The senate received a message in writing from the lieutenant-governor, by Mr. Waggener, which was taken up and read as follows, to wit:

*Gentlemen of the Senate,*

I nominate for your advice and consent, Thomas E. West, notary public in and for the county of Jessamine and town of Nicholasville.

#### GABL. SLAUGHTER.

Dec. 30th, 1818.

*Resolved*, That the senate advise and consent thereto, and that Messrs. Davidge and Thompson acquaint the lieutenant governor therewith.

And then the senate adjourned.

#### THURSDAY, DECEMBER 31, 1818.

The senate assembled.

William P. Fleming, Esq. senator from the counties of Fleming and Nicholas, returned to fill the vacancy occasioned by the resignation of James Parks, Esq. appeared, produced a certificate of his election and of his having taken the oaths prescribed by the constitution of this commonwealth, and took his seat.

Mr. Southgate, from the select committee to whom was referred an engrossed bill to extend the time for returning plats and certificates into the register's office, and for surveying certain lands in this commonwealth, reported an amendment, which being twice read was concurred in. The bill as amended was then ordered to be re-engrossed and read again.

Mr. Chambers presented the petition of the justices of the county court of Mason, representing that one of the deed books of said court is much injured; that a large proportion



of the leaves of said book are loose and liable to be lost; praying that a law may pass directing the clerk of said court to copy the said deed book in a well bound book, and to have credit with the auditor for copying the same.

Which was read and referred to the committee of propositions and grievances.

A message from the house of representatives, by Mr. Pope:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to amend the act establishing independent banks in this commonwealth;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up, read the first time, and the rule being dispensed with, it was read a second and third time.

*Resolved*, That the said bill do pass, and that Mr. Barry inform the house of representatives thereof.

A message from the house of representatives, by Mr. L. Green:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act for the benefit of Nathaniel Tucker;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up, read the first time and ordered to be read a second time.

The following bills were severally read a second time, and ordered to be engrossed and read a third time, to wit: A bill to amend the law concerning the turnpike and wilderness road; and a bill for the relief of Patty Bohannon.

A message from the house of representatives, by Mr. Lackey:

*Mr. Speaker*—The house of representatives have adopted the following resolutions, to wit:

IN THE HOUSE OF REPRESENTATIVES, Dec. 31st, 1818.

*Resolved by the general assembly of the commonwealth of Kentucky*, That the executive of this state be, and he is hereby requested to correspond with the executive of the state of Virginia, on the subject of opening a state road from Mount Sterling, in this state, to the interior of Virginia, by way of Prestonsburg; and respectfully request the executive of Virginia to lay the subject before the legislature of that state, and solicit them in extending said road from the line of this state to the interior of Virginia.

*Resolved*, That the executive of this state be, and he is hereby requested, in conjunction with the executive of Virginia, to fix on the point where the contemplated road shall cross the line between the two states.

*Resolved*, That the executive of this state be, and he is hereby requested to transmit to the executive of Virginia, a copy of the act entitled "an act to open a road from Mount-sterling to the Virginia line, by way of Prestonsburg," approved the 21st day of December 1818, also a copy of the commissioners' report, that the same may be laid before the legislature of Virginia at their present session.

Extract, &c.—Attest, R. S. TODD, C. H. R.

In which they request the concurrence of the senate.

And then he withdrew.

The resolutions were then twice read and concurred in—the first member thereof having been amended to read "to solicit the extension of said road."

*Ordered*, That Mr. Bledsoe inform the house of representatives thereof, and request their concurrence in the amendment.

Mr. Davidge, from the committee of propositions and grievances, reported a bill to establish Ecklar's inspection, in Harrison county; which was read the first time. The rule being dispensed with, it was read a second time, and committed to Messrs. Bledsoe, Perrin, Davidge and Taylor.

On the motion of Mr. Barry, leave was given to bring in a bill for the relief of the administrators of Reuben Underwood, deceased; which was referred to the committee for courts of justice.

A bill from the house of representatives, entitled "an act to amend an act entitled an act to amend the several acts concerning the importation and emancipation of slaves," approved February 8th, 1818, was read a third time and committed to Messrs. Southgate, Davidge, Bledsoe, Barry and Bridges.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Taylor in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Taylor reported, that the committee had according to order had under consideration a bill to provide for the revision of the statutes of this commonwealth, and had gone through the same with amendments, which he handed in at the clerk's table, where the same were twice severally read and concurred in.

*Ordered*, That the bill be engrossed as amended and read a third time.

Which being done, and the bill being read a third time accordingly, and the blanks therein filled,

*Resolved*, That the said bill do pass, and that the title be "an act to provide for the revision of the statutes of this commonwealth."

*Ordered*, That Mr. Bledsoe do carry said bill to the house of representatives and request their concurrence.

A message from the house of representatives, by Mr. Hardin:

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act for the relief of Charles Willot, sen. and Patrick Gilmore," with amendments. They have passed a bill entitled "an act for the benefit of the widow of Peter Bodine, deceased, and for other purposes;" and have adopted a resolution requiring the joint committee appointed to examine the Bank of Kentucky, to make certain inquiries, and for other purposes; and a resolution requiring the joint committees appointed to examine the public offices, to report by a certain day. In which amendments, bill and resolutions they request the concurrence of the senate.

And then he withdrew.

The bill was taken up, read the first time and ordered to be read a second time.

The resolution requiring the joint committees appointed to examine the public offices to report by a certain day, was taken up as follows, to wit:

IN THE HOUSE OF REPRESENTATIVES, Dec. 31, 1818.

*Resolved*, That the several committees raised for the purpose of examining the public offices, be instructed to make their report to each house on or before the 15th day of January.

Extract, &c.—Attest,

R. S. TODD, C. H. R.

Which being twice read was disagreed to, and so the said resolution was rejected.

*Ordered*, That the clerk inform the house of representatives thereof.

*Ordered*, That the public printers forthwith print 150 copies of the bill to amend and reduce into one the several laws concerning public roads, for the use of the members of the legislature.

The speaker laid before the senate a report from the president of the board of the Frankfort and Shelbyville turnpike road company, which was read as follows, to wit:

*The honorable the Speaker of the Senate.*

SIR—The president, directors and company of the Frankfort and Shelbyville turnpike road, respectfully report to the general assembly of the commonwealth of Kentucky, agreeable to the provisions of the 20th section of the original act of assembly, approved the 4th of February 1817—

That by virtue of an act of the general assembly, approved on the 31st January 1818, the commissioners appointed by the 10th section of the act, opened books of subscription for stock in the said company, for the purpose of constructing an artificial road from Frankfort to Shelbyville.

That 667 shares of one hundred dollars each have been subscribed, amounting to \$66,700.

That a general meeting of the stockholders was held on the 8th day of May last, at which a president, six directors and a treasurer were chosen, and on the 11th day of May last the company was organized.

That contracts have been entered into for constructing six miles of the said road, commencing at the Frankfort permanent bridge and proceeding westwardly towards Shelbyville; and for five miles commencing at Shelbyville and proceeding eastwardly towards Frankfort.

That the undertakers have commenced the work, and portions of the road are completed.

That the sum of \$6,500 has been paid out and expended in the prosecution of the work.

That the company have reasonable expectations that a considerable proportion of the road will be completed before the next meeting of the general assembly.

That the two first instalments of the stock have been nearly paid up.

That no toll-gates have been erected or toll received.

That from the contracts made, the cost of constructing the said road will average about \$7,000 per mile.

All of which is respectfully submitted.

By order of the board.

THOMAS TODD, *Pres't.*

Dec. 28th, 1818.

An engrossed bill for the benefit of Catherine Amis, was taken up, and an amendment by way of rider was proposed, which together with the bill was referred to the committee of propositions and grievances.

Mr. Chambers, from the joint committee of enrolments, reported that they had examined an enrolled bill entitled "an



act to amend the act establishing independent banks in this commonwealth," and had found the same truly enrolled.

And then the senate adjourned.

FRIDAY, JANUARY 1, 1819.

The senate assembled.

A message from the house of representatives, by Mr. Todd:

*Mr. Speaker*—The speaker of the house of representatives having signed an enrolled bill, I am directed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bill, being the same reported by Mr. Chambers yesterday, and it was delivered to the joint committee, to be presented to the lieutenant-governor for his approbation and signature. And after a short time, Mr. Yancey, from said committee, reported that they had performed that duty.

Mr. Wilson presented the petitions of sundry citizens of the counties of Hopkins and Christian, praying that certain obstructions in Pond river may be removed, and the said stream declared navigable.

Which was read and referred to the committee of propositions and grievances.

A message from the house of representatives, by Mr. Smith:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to extend and continue in force a law for returning plats and certificates into the register's office, and for surveying certain lands in this commonwealth, approved January the 4th, 1816;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and ordered to be laid on the table.

A message from the house of representatives, by Mr. Dollerhide:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act for the benefit of Nancy Godby, Patsey Lawrence and others;" in which they request the concurrence of the senate.

And then he withdrew.



The said bill was taken up, read the first time, and the rule being dispensed with, it was read a second time and referred to the committee of propositions and grievances.

A message from the house of representatives, by Mr. Lackey:

*Mr. Speaker*—The house of representatives concur in the amendment proposed by the senate to a resolution relative to the opening of a road to the Virginia line by way of Prestonsburg.

And then he withdrew.

Mr. Johnson, from the committee to whom was referred an engrossed bill concerning the duties of the register of the land-office, reported an amendment in lieu of the bill, which being twice read and further amended was concurred in.

*Ordered*, That the bill as amended be laid on the table.

Mr. Davidge, from the committee to whom was referred a bill from the house of representatives, entitled "an act to amend an act concerning certain trespasses on land," reported the same with an amendment, which being twice read was concurred in, and the bill read a third time as amended.

*Resolved*, That the said bill as amended do pass, and that the clerk inform the house of representatives thereof, and request their concurrence in the amendment.

An engrossed bill to extend the time for returning plats and certificates into the register's office, and for surveying certain lands in this commonwealth, was read again.

*Resolved*, That the said bill do pass, and that the title be "an act allowing further time to survey head-right claims."

*Ordered*, That Mr. Wood do carry said bill to the house of representatives and request their concurrence.

An engrossed bill for the relief of Patty Bohannon, was read a third time and referred to the committee of propositions and grievances.

An engrossed bill to amend the law concerning the turnpike and wilderness road, was read a third time.

*Resolved*, That the said bill do pass, and that the title be "an act to amend the law concerning the turnpike and wilderness road."

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

On the motion of Mr. Bledsoe, leave was given to bring in a bill to amend the law concerning executions; and Messrs. Bledsoe, Fleming, Southgate, Davidge and Taylor were appointed a committee to prepare and bring in the same.

Bills from the house of representatives of the following titles, to wit: An act erecting an election precinct in Nelson county; an act for the benefit of the widow of Peter Bodine, deceased, and for other purposes; and an act for the benefit of Nathaniel Tucker; were severally read, the former the first time, and the two latter a second time.

The rule being dispensed with, the former was read a second time, and committed to Messrs. Wickliff, Harrison, Bridges and Crutcher.

The two latter were referred to the committee of propositions and grievances.

Mr. Eledsoe, from the committee to whom was referred a bill to establish Ecklar's inspection, in Harrison county, reported the same with amendments, which were twice read and concurred in.

*Ordered*, That the bill as amended be engrossed and read a third time.

Mr. Southgate, from the committee to whom was referred a bill from the house of representatives, entitled "an act to amend an act entitled an act to amend the several acts concerning the importation and emancipation of slaves, approved February 8, 1818," reported an amendment in lieu of the bill; which was read, and together with the bill was ordered to be laid on the table.

The resolutions from the house of representatives, requiring the joint committee appointed to examine the Bank of Kentucky, to make certain inquiries, and for other purposes, were taken up as follows, to wit:

IN THE HOUSE OF REPRESENTATIVES, Dec. 18, 1818.

*Resolved*, That the joint committee appointed to inquire into and report the state of the Bank of Kentucky and its branches, and the causes of the late suspension of specie payments, be directed to inquire and ascertain what banks have been organized by virtue of an act of assembly entitled "an act to establish independent banks in this commonwealth;" and whether any, and if any, what banks commenced operation or have since acted in violation of said act; and that the committee be invested with power to send for persons, papers and records.

*Resolved*, That a law ought to pass, repealing the charters of all independent banks which shall have commenced operation contrary to the provisions of the act aforesaid, or have since failed and refused to comply therewith; and that the committee have power to report by bill or otherwise.

Extract, &c.—Attest,

R. S. TODD, C. H. R.

Which being twice read were concurred in with the following amendments, to wit:

Add to the first resolution, " And that said committee also report, how much of the debt heretofore reported by them as due from the Bank of Kentucky to the branches of the United States' bank, was due from the principal bank, and what part of said demand was owing from the branches of said bank, and how much from each branch; and how much of said demand was due to the United States' branch at Louisville, and how much to the Lexington branch; and if any was due to the Louisville branch, how and in what manner the same was settled and adjusted with the Louisville branch; and whether the said demands arose in the course of the ordinary transactions of the bank, or in what manner and by what means the said debt accrued."

Add an additional resolution, to wit:

*Resolved*, That said committee be further instructed to ascertain and report, as far as practicable, the number of borrowers of the state bank, and whether the sums loaned have been equally apportioned, or whether large loans have been made to particular individuals; what amount has been loaned to the citizens of the county of Franklin, and what to those of other counties; whether the branches of said bank have been diffusive in their loans, or whether they have confined them to their immediate vicinity.

*Ordered*, That the clerk inform the house of representatives thereof, and request their concurrence in the amendments.

And then the senate adjourned.

#### SATURDAY, JANUARY 2, 1819.

The senate assembled.

A message from the house of representatives, by Mr. Todd:

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills, and an enrolled resolution, I am directed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed the bills and resolution, to wit: An act to extend the line of Ohio county; an act to amend an act entitled an act to establish and regulate the town of Campbellsville, in Green county; and a resolution

relative to the opening of a road to the Virginia line, by way of Prestonsburg; and they were delivered to the joint committee of enrolments, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Yancey, from said committee, reported that they had performed that duty.

Mr. Fleming presented the petition of sundry citizens of Flemingsburg, praying that the trustees may be vested with power to levy and collect an additional tax, to procure a fire engine.

Mr. Worthington presented the petition of Elias Smith, of Hopkins county, praying that a law may pass prohibiting the building of such boats as will injure his bridge across Pond river.

Which were severally read.

The former was referred to a select committee of Messrs. Fleming, Bledsoe and Chambers, with leave to report by bill or otherwise; and the latter to the committee of propositions and grievances.

Mr. Wickliff, from the committee to whom was referred a bill from the house of representatives entitled "an act erecting an election precinct in Nelson county," reported the same without amendment. It was then read a third time.

*Resolved*, That the said bill do pass, and that the clerk inform the house of representatives thereof.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Fleming—1. A bill for the benefit of Margaret Swim.

On the motion of Mr. Harrison—2. A bill to amend the several acts concerning the publication of certain advertisements.

On the motion of Mr. Owens—3. A bill to amend and reduce into one the several acts authorising the change of venue in civil cases.

On the motion of Mr. Davidson—4. A bill to establish a college in Mercer county, in or near the town of Danville.

On the motion of Mr. Barry—5. A bill concerning the sergeant of the court of appeals.

And on the motion of Mr. Owens—6. A bill to amend the penal laws of this commonwealth.

*Ordered*, That the first be referred to the committee of propositions and grievances; and that Messrs. Harrison, Johnson, Bledsoe, Faulkner and Wickliff be appointed a committee to prepare and bring in the second; Messrs. Owens, Bledsoe, Barry, Fleming and Davidge, the third;

Messrs. Davidson, Bridges, Faulkner, Owens and Davidge, the fourth; Messrs. Barry, Fleming and Bridges, the fifth; and Messrs. Owens, Davidge and Bridges, the sixth.

And after a short time, Mr. Barry, from the fifth committee, reported a bill, which was read the first time. The rule being dispensed with, it was read a second and third time (it being engrossed).

*Resolved*, That the said bill do pass, and that the title be "an act concerning the sergeant of the court of appeals."

*Ordered*, That Mr. Barry do carry said bill to the house of representatives, and request their concurrence.

An engrossed bill concerning the duties of the register of the land-office, with the proposed amendments, was taken up and re-committed to Messrs. Johnson, Owens, Bledsoe, Wood, Bridges, Fleming, Taylor and Chambers.

An engrossed bill establishing Ecklar's inspection, in Harrison county, was read a third time.

*Resolved*, That the said bill do pass, and that the title be "an act establishing certain inspections."

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

A bill from the house of representatives, entitled "an act to amend an act entitled an act to amend the several acts concerning the importation and emancipation of slaves, approved February 8, 1818," with the amendments, was taken up, which were concurred in; and the bill ordered to be read a third time as amended.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Given—A bill for the benefit of John Hardwick, Benjamin Hardwick and Sarah Hardwick, the heirs and legal representatives of Christopher Hardwick, deceased.

By the same—A bill for the benefit of James Elder.

By Mr. Barry—A bill for the relief of the administrators of Reuben Underwood, deceased.

Which were severally read the first time.

The rule being dispensed with, the first was read a second time, and referred to the committee of propositions and grievances.

The second and third were ordered to be read a second time.

Mr. Bledsoe read and laid on the table the following resolution, to wit:

*Resolved by the general assembly of the commonwealth of Kentucky*, That a joint committee of three members from the



senate and six from the house of representatives be appointed to examine into and report the state of the penitentiary, and of the accounts thereof.

And thereupon the rule of the senate being dispensed with, it was taken up, twice read and adopted.

*Ordered*, That the clerk acquaint the house of representatives therewith, and request their concurrence.

A message from the house of representatives, by Mr. Todd:

*Mr. Speaker*.—The house of representatives concur in the resolution from the senate, appointing a joint committee to examine the penitentiary, and have appointed a committee on their part.

And then he withdrew.

Whereupon Messrs. Bledsoe, Johnson and Faulkner were appointed a committee on the part of the senate, pursuant to said resolution.

And then the senate adjourned.

#### MONDAY, JANUARY 4, 1819.

The senate assembled.

William Hardin, Esq. senator from the counties of Breckenridge, Grayson and Butler, appeared and took his seat.

Mr. Churchill presented the petition of Alexander Woodrow, surveyor of Jefferson county, representing that owing to inadvertence and without any will or design of evading the law, he failed to renew his bond in due time, and at the December term last the county court permitted him to renew his bond, praying that the proceedings of the county court may be legalised.

Which was read and referred to Messrs. Churchill, Bridges, Ford and Hardin, with leave to report by bill or otherwise.

Mr. Bledsoe read and laid on the table the following resolutions, to wit:

1. *Resolved by the general assembly of the commonwealth of Kentucky*, That the establishment of a monied monopoly, is hostile to republican liberty.
2. *Resolved*, That banks are such a monopoly, and do not depend for their profits upon the correct employment of the products of industry.
3. *Resolved*, That as the products of the labor of a nation, are the only genuine sources of national wealth, any corpor-

ation or institution which tends to substitute speculation, instead of the proper and valuable fruits of this labor, must be pernicious, and ought to be abolished.

4. *Resolved*, That any corporation, not promotive of, or essential to public good, ought not to exist.

5. *Resolved*, That all banks wherein individuals are interested, are monied monopolies; tending to make profit to those who do not labor, out of the means of those who do; not tending to increase the means of industry, but to profit of those means unjustly; tending to tax the many, for the benefit of a few; tending to create a privileged order, unuseful and pernicious to society; tending to destroy liberty, and create a power unfriendly to human happiness; tending inevitably to an unfeeling monied aristocracy, more to be deprecated than monarchy itself; tending to the destruction of the best hopes of man, here and hereafter.

6. *Resolved*, That it becomes the duty of the general government, and of every individual state composing it, (gradually, if necessary, but ultimately and certainly) to abolish all banks and monied monopolies; and if a paper medium is necessary, to substitute the impartial and disinterested medium of the credit of the nation, or of the states.

7. *Resolved*, That copies of the foregoing resolutions be transmitted by the acting governor of this state, to the president of the United States, and to each of the senators and representatives in congress from this state, as an evidence of the sense of the people of this state, to be submitted to congress.

*Ordered*, That the public printers forthwith print 150 copies of said resolutions, for the use of the members of the legislature.

Mr. Fleming moved the following resolution, to wit:

Whereas it is represented, that William M'Clanahan, a justice of the peace for the county of Nicholas, was prosecuted by John Kincart, of the county aforesaid, for felony, to wit: For feloniously taking and carrying away wheat in the night, or on different nights, the property of said Kincart; and it appearing on the trial before Samuel M. Waugh and Morris Morris, Esqs. two justices of the peace for the county aforesaid, from the evidence adduced, that the accused was guilty, the said justices decided that the said M'Clanahan should be recognized to appear before the circuit court, for further trial: And whereas the counsel for the accused then moved for a re-consideration of the case, which was granted, the accused plead that if the witness did not prove the wheat aforesaid to be worth four dollars, that he would in that case

rely on the statute of limitations, inasmuch as he had not been prosecuted within one year from the time the offence was committed: Therefore,

*Resolved*, That a committee be appointed to inquire into the charge aforesaid, preparatory to his removal from office by address; and that the said committee have power to send for persons, papers and records for their information.

Which being twice read was concurred in, and messrs. Fleming, Barry, Owens, Davidge, Chambers, Mason and Taylor were appointed a committee pursuant thereof.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Owens—A bill for the relief of the sheriffs of Adair and Green counties.

And on the motion of Mr. Mason—A bill to establish an election precinct in Hustill county.

*Ordered*, That messrs. Owens, Bartlett and Bridges be appointed a committee to prepare and bring in the former, and messrs. Mason, South, Griffin and Barry the latter.

Mr. Owens, from the first committee, reported a bill, which was read the first time; and the rule being dispensed with, it was read a second time, and on motion committed to messrs. Owens, Bledsoe, Johnson, Bridges and Southgate. And after a short time, Mr. Owens reported the bill with an amendment, which being twice read was concurred in. The rule was again dispensed with, and the bill engrossed and read a third time.

*Resolved*, That the said bill do pass, and that the title be “an act for the relief of the sheriffs of Adair, Green and Pendleton counties.”

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

A bill from the house of representatives, entitled “an act to amend an act entitled an act to amend the several acts concerning the importation and emancipation of slaves, approved February 8th, 1818,” was read the third time as amended.

*Resolved*, That the said bill do pass as amended, and that the title be amended to read “an act to amend an act entitled an act to amend the act concerning the importation and emancipation of slaves, approved February 8, 1815.”

*Ordered*, That the clerk inform the house of representatives thereof, and request their concurrence in the amendments.

The senate received a message in writing from the lieutenant-governor, by Mr. Waggener, which was taken up and read as follows, to wit:

*Gentlemen of the Senate,*

I nominate for your advice and consent, Mason Singleton, colonel of the 9th regiment, in place of Hugh A. Anderson, removed.

Smith Bradshaw, lieutenant colonel of the same regiment, in place of Mason Singleton, promoted.

Thomas Smith, major of the same regiment, in place of Smith Bradshaw, promoted.

#### GABL. SLAUGHTER.

January 4th, 1819.

*Ordered,* That the two latter nominations be committed to messrs. Faulkner, Jones, Ford, Davidson, Eve and Owens.

The following bills were severally read a second time, and ordered to be engrossed and read a third time, viz. A bill for the benefit of James Elder; and a bill for the relief of the administrators of Reuben Underwood, deceased—the latter having been amended at the clerk's table.

A message from the house of representatives, by Mr. Hardin:

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act concerning the sergeant of the court of appeals."

And then he withdrew.

A message from the house of representatives, by Mr. Parsons:

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act further to indulge the settlers on the lands acquired by the treaty of Tellico to pay the state price on their claims," with an amendment, in which they request the concurrence of the senate.

And then he withdrew.

Mr. Barry presented the petition of John P. Aldridge, teacher of education on the Lancasterian system, in Lexington, praying that he may be permitted to raise by way of lottery \$7000, to be appropriated in establishing other schools and lecturing in the largest towns in the state, for the purpose of explaining the system.

Mr. Owens presented the petition of Nathiel Tucker, of Green county, representing that he is entitled to 140 acres of land in said county, by virtue of a county court certificate, the state price for which he is unable to pay, and praying that the balance remaining due may be remitted, and that a grant may issue to him for said land.



Which were severally read, and referred to the committee of propositions and grievances.

And then the senate adjourned.

TUESDAY, JANUARY 5, 1819.

The senate assembled.

Mr. Davidge, from the committee of propositions and grievances, reported the following bills, to wit: 1. An engrossed bill for the benefit of Catherine Amis and Agness Snider; 2. an engrossed bill for the benefit of Patty Bohannon; 3. a bill for the benefit of the heirs and legal representatives of Christopher Hardwick, deceased: And bills from the house of representatives, of the following titles, to wit: 4. An act for the benefit of Nathaniel Tucker; 5. an act for the benefit of Nancy Godby, Patsey Lawrence and others; and 6. an act for the benefit of the widow of Peter Bodine, deceased, and for other purposes; without amendment.

The said bills were severally ordered to be read a third time; the third to be engrossed, and the first to be re-engrossed and read again.

The remainder of the bills were severally read a third time, and the fifth amended at the clerk's table.

*Resolved*, That the said bills do pass, and that the title of the fifth be "an act for the benefit of Patty Bohannon."

*Ordered*, That the clerk inform the house of representatives thereof, and request their concurrence.

The following bills were reported from the committees appointed to prepare and bring in the same, to wit:

By Mr. Davidge—1. A bill for the benefit of Margaret Swim.

By Mr. Mason—2. A bill to erect an election precinct in Estill county.

By Mr. Fleming—3. A bill vesting certain powers in the trustees of the town of Flemingsburg.

By Mr. Harrison—4. A bill to amend the law concerning the publication of advertisements.

And on the motion of Mr. Johnson, leave was given him to report, 5. A bill to incorporate the Southern College of Kentucky.

Which were severally read the first time.

The rule being dispensed with, the three former were severally read a second and third time, having been previously engrossed.



*Resolved*, That the three former bills do pass, and that the titles be, respectively, "an act for the benefit of Margaret Swim," "an act to erect an election precinct in Estill county," and "an act vesting certain powers in the trustees of the towns of Flemingsburg and Lebanon."

*Ordered*, That the clerk do carry the two former, and Mr. Fleming the latter, to the house of representatives, and request their concurrence.

The fourth and fifth were ordered to be read a second time.

The resolutions laid on the table yesterday, concerning banks, were taken up and committed to a committee of the whole house on the state of the commonwealth for Thursday next.

The amendments proposed by the house of representatives to a bill from the senate, entitled "an act for the benefit of Charles Willot and Patrick Gilmore," were taken up, read and concurred in with an amendment.

*Ordered*, That the clerk inform the house of representatives thereof, and request their concurrence in the said amendment.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Crutcher—A bill for the relief of the sheriff of Hardin county.

On the motion of Mr. Owens—A bill to provide for the safe-keeping of the public arms, and for other purposes.

On the motion of Mr. Perrin—A bill for the benefit of poor widows.

*Ordered*, That Messrs. Crutcher, Bartlett and Bledsoe be appointed a committee to prepare and bring in the first; Messrs. Owens, Davidge, Bledsoe and Fleming, the second; and Messrs. Perrin, Jones, Yancey, Owens, Davidson, Griffin and Barry, the third.

Mr. Crutcher presented the petition of Samuel May, representing that previous to 1798, he was deputy clerk of the court of quarter sessions for Hardin county, and a vacancy happening in the clerkship, he was appointed to take charge of the papers and records belonging to the office; that he performed the duties of clerk for four months and a half, for which the court of quarter sessions allowed him upwards of thirty-one pounds, and directed it to be levied by the county court, but they have refused; praying that the treasurer may be directed to pay the same, or that the Hardin county court shall levy the same.

Which was read and referred to the committee of propositions and grievances.

Mr. Faulkner, from the committee to whom was referred certain military nominations on yesterday, made the following report, to wit:

The select committee to whom was referred the nomination of Smith Bradshaw, lieutenant colonel of the 9th regiment of Kentucky militia, have had the said nomination under consideration, and have come to a determination thereon, and beg leave to offer the following resolution, to wit:

*Resolved*, That the senate do not advise and consent to the said nomination.

Which being twice read was laid on the table until Friday week.

On the motion of Mr. Crutcher,

*Ordered*, That the committee for courts of justice be discharged from the further consideration of a petition of sundry citizens of Hardin county, praying that the terms of their circuit court may be extended, and that the same be committed to Messrs. Crutcher, Hardin, Harrison, Churchill, Wickliff and Bridges, with leave to report by bill or otherwise.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Yancey in the chair; and after a short time, Mr. Speaker resumed the chair, and Mr. Yancey reported, that the committee had according to order taken under consideration a bill to incorporate the Beech Fork Navigation Company, and had gone through the same without amendment, which he handed in at the clerk's table.

On the motion of Mr. Wickliff, the bill was then committed to Messrs. Wickliff, Crutcher, Southgate and Owens.

A message from the house of representatives, by Mr. Jones:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act for the benefit of Edward Maxey and John Wilson;" in which they request the concurrence of the senate.

And then he withdrew.

Mr. Davidge, from the majority on the vote whereby the nomination of Urbin Ewing, as sheriff of Logan county, was rejected, moved the following resolution:

*Resolved by the Senate*, That they will re-consider the vote respecting the nomination of Urbin Ewing for sheriff of Le-

gan county, and that the acting governor be requested to return the said nomination.

And the question being taken on adopting said resolution, it was resolved in the affirmative—Yeas 21, nays 11.

The yeas and nays being required thereon by messrs. Johnson and Davidge, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Bartlett, Bridges, Churchill, Crutcher, Davidge, Davidson, Faulkner, Ford, Given, Griffin, Hardin, Harrison, Jones, Mason, Owens, Slaughter, Wickliff, Wilson, Wood and Worthington.

Those who voted in the negative, are, messrs. Barry, Bledsoe, Eve, Fleming, Johnson, Perrin, South, Southgate, Taylor, Thompson and Yancey.

Messrs. Davidge and Churchill were appointed a committee to wait on the lieutenant-governor with said resolution.

And then the senate adjourned.

#### WEDNESDAY, JANUARY 6, 1819.

The senate assembled.

Mr. Owens presented the petition of the heirs of Francis Emmerson, praying that they may be authorised by the legislature to add a tract of land of which the said Francis died seized, to the town of Burksville.

Which was read and referred to messrs. Owens, Wood, Yancey and Griffin, with leave to report by bill or otherwise.

Mr. Wickliff, from the committee to whom was referred a bill to incorporate the Beech Fork Navigation Company, reported the same with amendments; which being twice read were concurred in.

*Ordered*, That the bill be engrossed as amended and read a third time.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Churchill—A bill for the relief of Alexander Woodrow, surveyor of Jefferson county.

By Mr. Perrin—A bill for the benefit of poor widows.

By Mr. Crutcher—A bill for the relief of the sheriff of Hardin county.

Which were severally read the first time.

The rule being dispensed with, the former bill was read a second time, and committed to messrs. Faulkner, Churchill, Hardin and Ford.

The two latter were ordered to be read a second time.

The amendment proposed by the house of representatives to a bill from the senate, entitled "an act further to indulge the settlers on the lands acquired by the treaty of Tellico to pay the state price on their claims, was taken up, twice read and disagreed to.

*Ordered*, That the clerk inform the house of representatives thereof.

A bill from the house of representatives, entitled "an act for the benefit of Edward Maxey and John Wilson, was read the first time and ordered to be read a second time.

Engrossed bills, to wit: 1. A bill authorising a lottery for the purpose of paving the streets of Middletown, and completing the Hope academy therein; 2. a bill for the benefit of Catherine Amis; 3. a bill for the benefit of the heirs of Christopher Hardwick; 4. a bill for the relief of the administrators of Reuben Underwood; and 5. a bill for the benefit of James Elder; were severally read a third time.

*Resolved*, That the first, third, fourth and fifth bills do pass, and that the titles be, respectively, "an act authorising a lottery for the purpose of paving the streets of Middletown, and completing the Hope academy therein;" "an act for the benefit of the heirs of Christopher Hardwick;" "an act for the relief of the administrators of Reuben Underwood, and the heirs of Spencer Gill," and "an act for the benefit of James Elder."

*Ordered*, That Mr. Churchill do carry the former, and the clerk the three latter bills to the house of representatives and request their concurrence.

The second bill was laid on the table.

The following bills were severally read a second time, and committed to a committee of the whole house on the state of the commonwealth, to wit: A bill to alter the mode of taking in the lists of taxable property; and a bill to amend the law concerning the publication of advertisements.

On motion,

*Ordered*, That Mr. Mason be added to the committee appointed to prepare and bring in a bill to prevent the practice of purchasing slaves in this commonwealth for exportation.

An engrossed bill limiting the time for which deputy sheriffs may continue in office, was taken up and ordered to be re-engrossed as amended and read again.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Bartlett—1. A bill for the benefit of the heirs of John Marshall, deceased.



On the motion of Mr. Bledsoe—2. A bill to authorise the trustees of the presbyterian meeting-house and lot in Paris to sell the same.

On the motion of Mr. Johnson—3. A bill to provide and appropriate a fund for the purposes of education.

On the motion of Mr. Barry—4. A bill to incorporate the Elkhorn Navigation Company.

And on the motion of Mr. Bartlett—5. A bill to amend the several acts respecting the opening a road from New-Castle to the mouth of Licking.

*Ordered*, That messrs. Bartlett, Ford, Barry and Crutcher be appointed a committee to prepare and bring in the first; messrs. Bledsoe, Chambers, Davidge, Mason and Taylor, the second; messrs. Johnson, Bledsoe, Bridges, Southgate, Barry, Davidge and Wickliff, the third; messrs. Barry, Thompson, Bledsoe, Wickliff and Taylor, the fourth; and messrs. Bartlett, Perrin, Southgate, Ford and Thompson, the fifth.

Mr. Barry presented the petition of Asa Blanchard, William Monroe and Nancy his wife, praying that a law may be passed authorising the said Asa to re-convey to said William a tract of 200 acres of land in Breckenridge county, which he conveyed in trust for the benefit of said Nancy and her children.

Which was read and referred to the committee for courts of justice.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Wood in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wood reported, that the committee had according to order taken into consideration a bill providing for the appointment and compensation of commonwealth's attornies for the circuit courts, and a bill to extend the law concerning commonwealth's attornies, and had gone through the former without amendment, and adopted the following resolution as to the latter.

*Resolved*, That the bill to extend the law concerning commonwealth's attornies, ought to be *rejected*.

Which he handed in at the clerk's table.

And then the senate adjourned.



THURSDAY, JANUARY 7, 1819.

The senate assembled.

Mr. Mason presented the petition of sundry citizens, in favor of James Sammons, representing that he was a soldier of the revolution, and is now poor and infirm, and praying that the legislature may donate to him 200 acres of vacant land on the waters of Ross' creek, in Estill county, on which he resides.

Which was read and referred to messrs. Mason, Griffin, Eve and Davidson, with leave to report by bill or otherwise.

Mr. Faulkner, from the committee to whom was referred a bill for the relief of Alexander Woodrow, surveyor of Jefferson county, reported the same with an amendment, which being twice read was concurred in, and the bill ordered to be engrossed and read a third time.

A bill providing for the appointment and compensation of commonwealth's attorneys for the circuit courts, was taken up and read as follows, to wit:

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky,* That every circuit court shall have full power and authority to appoint annually an attorney to prosecute the pleas of the commonwealth therein; to fill all vacancies which may occur in that office; and in the event of the non-attendance of that officer at any term of the circuit court, to appoint an attorney competent to prosecute the pleas aforesaid at such term in his stead.

§ 2. *Be it further enacted,* That every circuit court shall, on the last day of the term thereof, make an allowance to its prosecuting attorney, for his services; which allowance shall be certified by the clerk of such court to the auditor, who shall issue his warrant accordingly on the treasurer for the payment of the same: *Provided,* that there shall not be allowed more than \$400 in any judicial district, for the services annually rendered by the attorney or attorneys for the commonwealth therein.

§ 3. *Be it further enacted,* That attorneys for the commonwealth in the circuit courts, shall be ineligible to the legislature of this state, whilst they continue in office.

And Mr. Fleming moved to amend the said bill, by striking out the whole except the enacting clause, and insert the following in lieu thereof:

That the act passed on the 23d day of January 1813, entitled "an act concerning commonwealth's attorneys," shall

be, and the same is hereby continued in force two years from and after the fifth day of February 1819."

And the question being taken thereon, it was resolved in the negative—Yeas 16, nays 16.

The yeas and nays being required thereon by messrs. Harrison and Fleming, were as follows, to wit :

Those who voted in the affirmative, are, messrs. Crutcher, Davidson, Fleming, Ford, Given, Griffin, Harrison, Mason, Owens, Slaughter, South, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Chambers, Churchill, Davidge, Faulkner, Hardin, Johnson, Jones, Perrin, Southgate, Taylor and Thompson.

The vote being equal, the speaker, agreeably to a rule of the senate, declared the amendment disagreed to.

The question was then taken on engrossing and reading the former bill a third time, and it was resolved in the affirmative—Yeas 19, nays 18.

The yeas and nays being required thereon by Messrs. Owens and Churchill, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Chambers, Churchill, Crutcher, Davidge, Davidson, Faulkner, Hardin, Johnson, Jones, Perrin, Slaughter, Southgate, Taylor and Thompson.

Those who voted in the negative, are, messrs. Fleming, Ford, Given, Griffin, Harrison, Mason, Owens, South, Wickliff, Wilson, Wood, Worthington and Yancey.

The question was then taken upon concurring in the resolution reported yesterday from the committee of the whole house, relating to the bill to extend the law concerning commonwealth's attorneys, and it was resolved in the affirmative—Yeas 17, nays 15.

The yeas and nays being required thereon by messrs. Harrison and Fleming, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Chambers, Churchill, Davidge, Faulkner, Hardin, Johnson, Jones, Perrin, Slaughter, Southgate, Taylor and Thompson.

Those who voted in the negative, are, messrs. Crutcher, Davidson, Fleming, Ford, Given, Griffin, Harrison, Mason, Owens, South, Wickliff, Wilson, Wood, Worthington and Yancey.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit :

By Mr. Bledsoe—A bill to authorise the trustees of the presbyterian meeting-house and lot in Paris to sell the same.

By Mr. Crutcher—A bill to establish a new judicial district.

And by Mr. Faulkner—A bill to prohibit the exportation of slaves for sale.

Which bills were severally read the first time; and the rule being dispensed with, the former bill was read a second time, and ordered to be engrossed and read a third time; and the two latter were ordered to be read a second time.

A message from the house of representatives, by Mr. T. Ward:

*Mr. Speaker*—The house of representatives have adopted a resolution fixing on a day on which to elect a treasurer, public printer, and a president and directors of the Bank of Kentucky on the part of the state; in which they request the concurrence of the senate.

And then he withdrew.

The said resolution was taken up, read and concurred in, as follows, to wit:

IN THE HOUSE OF REPRESENTATIVES, Jan. 7, 1819.

*Resolved by the general assembly of the commonwealth of Kentucky.* That they will on the 18th day of January proceed to the election of public printer, and treasurer, and president and directors of the bank of Kentucky on the part of the commonwealth.

Extract, &c.—Attest,

R. S. TODD, C. H. R.

*Ordered,* That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Baylor:

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act for the relief of the sheriffs of Adair, Green and Pendleton counties," with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were then taken up, read and concurred in.

*Ordered,* That the clerk inform the house of representatives thereof.

On the motion of Mr. Chambers, leave was given to bring in a bill further to regulate the town of Germantown, in Mason and Bracken counties, and messrs. Chambers, South-

gate, Perrin and Fleming were appointed a committee to prepare and bring in the same.

A bill from the house of representatives, entitled "an act to extend the term of the Christian circuit court, and to alter the time of holding the Logan circuit court, and for other purposes," with the proposed amendments, was taken up, and the fourth section of the bill read as follows, to wit:

"That the circuit court for the county of Washington, shall hereafter sit on the first Monday in April, the second Monday in August and the first Monday in November in every year, and shall at each term sit twelve juridical days, if the business should require it."

Mr. Wickliff moved to strike out therefrom the words "first Monday in April," and insert in lieu thereof "the second Monday in April;" and the question being taken thereon, it was resolved in the affirmative—Yeas 17, nays 15.

The yeas and nays being required thereon by messrs. Harrison and Wickliff, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Churchill, Davidge, Faulkner, Fleming, Given, Hardin, Slaughter, Southgate, Taylor, Thompson, Wickliff and Wilson.

Those who voted in the negative, are, messrs. Chambers, Crutcher, Davidson, Ford, Griffin, Harrison, Johnson, Jones, Mason, Owens, Perrin, South, Wood, Worthington and Yancey.

The bill, with the amendments, was then ordered to be laid on the table.

An engrossed bill limiting the time for which deputy sheriffs may continue in office, was taken up and committed to messrs. Owens, Jones, Faulkner, Bridges and Davidge.

A bill from the house of representatives, entitled "an act for the benefit of Edward Maxey and John Wilson; a bill for the benefit of poor widows; and a bill for the relief of the sheriff of Hardin county; were severally read a second time. The former was ordered to be read a third time, and the two latter engrossed and read a third time.

The speaker laid before the senate a letter from the president of the Bank of Kentucky, which was taken up and read as follows, to wit:

BANK OF KENTUCKY, 7th January 1819.

SIR—I beg leave through you to inform the senate, that the shareholders of the Bank of Kentucky met on Monday last, agreeably to law, and elected on their part the following six gentlemen directors of that institution for the ensuing



year, viz. John Brown, Daniel Weisiger, Alexander J. Mitchell, John Pope, Nathaniel Hart and Benjamin Taylor.

I am, respectfully,

Sir, your most obedient servant,

ROBT. ALEXANDER, *Pres't.*

*The honorable the Speaker of the Senate.*

And then the senate adjourned.

### FRIDAY, JANUARY 8, 1819.

The senate assembled.

Mr. Owens presented the petition of sundry citizens of Adair county, praying that William Settles may be permitted to erect a dam (under certain restrictions) across Green river, in Adair county, where he proposes to erect water-works.

Mr. Perrin presented the petition of sundry stockholders of the Bank of Cynthiana, praying that the charters of the independent banks may be amended, so as to render the private property of the stockholders responsible for the payment of their notes, in proportion to the stock held by each: also, to make their notes receivable in the treasury of this state, in payment of the public dues, and in payment of executions, in the same manner as the notes of the Bank of Kentucky.

Which were severally read, and referred, the former to the committee of propositions and grievances, and the latter to messrs. Perrin, Southgate, Bledsoe, Chambers and Thompson, with leave to report by bill or otherwise.

Mr. Jones, from the committee to whom was referred so much of the lieutenant-governor's message as relates to re-chartering the Bank of Kentucky, made the following report, to wit:

The committee to whom was referred so much of the lieutenant-governor's message as relates to the extension of the charter of the Bank of Kentucky, have had the same under consideration, and beg leave to offer the following resolution:

*Resolved by the Senate,* That it is expedient to pass a law at the present session of the legislature, to extend the charter of, or to re-charter the Bank of Kentucky, under certain restrictions.

Which being twice read was made the order of the day for Monday next.



The following bills were reported from the several committees appointed to prepare and bring in the same, to wit :

By Mr. Bartlett—A bill for the benefit of the heirs of John Marshall, deceased ; and a bill to amend the several acts respecting the opening of a road from New-Castle to the mouth of Licking.

By Mr. Owens—A bill authorising an addition to the town of Burksville.

And leave was given Mr. Davidge to report a bill to regulate the practice of the general court in certain cases.

Which bills were severally read the first time, and ordered to be read a second time.

The rule was dispensed with, the latter bill read a second time and ordered to be engrossed and read a third time.

Mr. Owens moved for leave to bring in a bill for the benefit of Jereboam Beauchamp, which was referred to the committee for courts of justice.

Engrossed bills, to wit : A bill for the benefit of poor widows, and a bill for the relief of Alexander Woodrow, surveyor of Jefferson county, were severally read a third time.

The former was ordered to be laid on the table.

*Resolved*, That the latter do pass, and that the title be "an act for the relief of the surveyors of Jefferson and Garrard counties."

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

A bill from the house of representatives, entitled "an act for the benefit of Edward Maxey and John Wilson," was read a third time.

*Resolved*, That the said bill do pass, and that the clerk inform the house of representatives thereof.

The senate received a message in writing from the lieutenant-governor, by Mr. Waggener, which was taken up and read as follows, to wit :

*Gentlemen of the Senate,*

I nominate for your advice and consent, Benjamin Mills, circuit judge, to preside in the 11th judicial district, in the place of Samuel M'Kee, resigned.

Silas M. Noel, circuit judge, to preside in the 4th judicial district, in place of Henry Davidge, resigned.

GABL. SLAUGHTER.

January 8th, 1819.

And then the senate adjourned.

SATURDAY, JANUARY 9, 1819.

The senate assembled.

Mr. Barry, from the committee for courts of justice, made the following report, to wit:

The committee for courts of justice have according to order had under consideration the motion for leave to bring in a bill for the relief of Jereboam Beauchamp, and have come to the following resolution thereupon, to wit:

*Resolved*, That leave ought not to be granted to bring in said bill.

Which being twice read was concurred in.

Also a bill for the relief of Francis and Sandefur Petty, without amendment.

*Ordered*, That said bill be engrossed and read a third time.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Davidge—A bill for the benefit of Samuel May.

Br. Mr. Owens—A bill to amend and reduce into one the several acts authorising the change of venue in civil cases.

And by Mr. Johnson—A bill to create a fund for the purposes of education.

Which were severally read the first time.

The rule being dispensed with, they were read a second time; the former ordered to be engrossed and read a third time, and the two latter committed to a committee of the whole house on the state of the commonwealth.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Barry—1. A bill to incorporate the Lexington Athenæum.

On the motion of Mr. Bledsoe—2. A bill to amend the law concerning mill-dams.

On the motion of Mr. Given—3. A bill to establish an academy in the county of Livingston.

And on the motion of Mr. Faulkner—4. A bill to raise a fund for the education of poor children in this commonwealth.

*Ordered*, That messrs. Barry, Bledsoe, Taylor and Thompson be appointed a committee to prepare and bring in the first; messrs. Bledsoe, Davidge, Barry, Yancey and Churchill, the second; messrs. Given, Slaughter, Worthington and Johnson, the third; and messrs. Faulkner, Barry, Davidge, Taylor, Owens, Southgate and Churchill, the fourth.

Mr. Barry, from the first committee, reported a bill, which was read the first time. The rule being dispensed with, it was read a second and third time (having been engrossed).

*Resolved*, That the said bill do pass, and that the title be "an act to incorporate the Lexington Athenæum."

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

Mr. Davidge, from the committee appointed to wait on the lieutenant-governor, and request him to return the nomination of Urbin Ewing, sheriff of Logan county, reported that they had performed that duty, and received for answer, that he had not acted further on the occasion, and that he considered the nomination to be still before the senate to be acted upon.

*Ordered*, That the said nomination be committed to a committee of the whole house for Tuesday next.

Mr. Davidge read and laid on the table the following resolution, to wit:

*Resolved by the general assembly of the commonwealth of Kentucky*, That it is expedient to divide the public printing of this commonwealth; and that the legislature hereafter, in electing public printers, will proceed to elect one to print the journals of the house of representatives, the bills for the two houses during the session of the legislature, the lists of non-residents' land, and all public advertisements which are directed by law to be inserted in the paper of the public printers; and secondly, to elect another, who shall print the journal of the senate, the annual volume of laws, and all blanks for public offices.

A bill to incorporate the Southern College of Kentucky, was read a second time, amended at the clerk's table, and ordered to be engrossed and read a third time.

Mr. Johnson, at 5 minutes past 1 o'clock P. M. moved an adjournment; and the question being taken thereon, it was resolved in the affirmative—Yeas 16, nays 8.

The yeas and nays being required thereon by Messrs. Crutcher and Southgate, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Churchill, Davidge, Davidson, Faulkner, Fleming, Ford, Given, Hardin, Johnson, Mason, Slaughter, Southgate, Taylor and Thompson.

Those who voted in the negative, are, Messrs. Bartlett, Crutcher, Harrison, Owens, South, Wickliff, Wood and Yancey.

The senate stood adjourned accordingly until Monday morning 10 o'clock.

MONDAY, JANUARY 11, 1819.

The senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined an enrolled resolution and sundry enrolled bills, of the following titles: A resolution fixing on a day on which to elect a treasurer, public printer, and a president and directors of the Bank of Kentucky on the part of the state; an act for the benefit of Nathaniel Tucker; an act erecting an election precinct in Nelson county; an act for the benefit of the widow of Peter Bodine, and for other purposes; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Beall:

*Mr. Speaker*—The speaker of the house of representatives having signed an enrolled resolution and sundry enrolled bills, I am directed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills and resolution, being the same reported by Mr. Yancey to-day, and they were delivered to the joint committee, to be presented to the lieutenant-governor for his approbation.

Mr. Perrin, from the committee appointed for that purpose, reported a bill further to regulate the town of German-town, in the counties of Mason and Bracken.

And leave was given Mr. Bartlett, to report a bill to amend the acts regulating the towns of Millersburg, Paris, Bairdstown, and for other purposes, approved February 4, 1817.

Which were severally read the first time.

The rule being dispensed with, the former bill was read a second time and ordered to be engrossed and read a third time.

The latter was ordered to be read a second time.

A message from the house of representatives, by Mr. Booker:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act concerning commonwealth's attornies;" in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. J. Green:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to incorporate the trustees of the Cen-



tre College of Kentucky at Danville ;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was then taken up, read the first time and ordered to be read a second time.

Mr. Harrison read and laid on the table the following memorial and resolution, to wit :

*A memorial to Congress in behalf of Christopher Miller.*

The legislature of Kentucky cannot view the present happy state and condition of their country, as its respects her being secured from foreign invasion, without looking back, and inquiring how, and by what means she has attained this high, dignified and honorable station : In doing which, she discovers herself justly indebted in gratitude to many worthy men who are no more ; but the eye falls upon one, Christopher Miller, who is yet living, and who has never been noticed by the general government ; to whom they conceive she is greatly indebted, not only upon the principle of rewarding real merit, but upon the score of justice, founded on a promise made by a man on the part of the United States, on whose promise Christopher Miller had a right to rely.

In the year 1782, Christopher Miller, of Hardin county, in the state of Kentucky, was taken prisoner by the Indians, who was then about 15 years of age ; he remained a prisoner with them till the year 1794, when he was taken from them by the spies of general Wayne. No sooner did he find himself in the midst of his brothers of America, than that spark of love of country, which had been almost extinguished by savage habits, burst into a flame, and he tendered his services to the general, as one of his spies. In this character he acted for some time, going into the environs of the towns of the enemy, taking prisoners from his old masters, and bringing them to his general. At length it became necessary to send another flag to the enemy, several having been sent and none returned. The eyes of the board of officers were turned to Miller ; he was applied to by the general, with an assurance if he would undertake the task, and should succeed in the undertaking, he should receive from his government an independent fortune. The agreement is made—the ambassador sets out—the anxious eyes of his countrymen follow him, but scarcely a gleam of hope is left them that he will ever return : But to their great joy, he performs the undertaking—finishes the task—effects the objects of his mission, and on the fourth day returns to his general. Peace is concluded—the shedding of human blood is thereby stopped. Wayne is now



no more—Miller still lives, but has a family of promising children, is poor, and has never received any compensation for his services. We are told that application was once made to congress for him, but for the want of proof in support of the facts alleged, no allowance was made. The legislature of Kentucky having at their present session members of their own body who know the facts herein stated to be true, have thought it their duty to interfere in behalf of one of their countrymen; and pray your honorable body to make such provision by law for the said Christopher Miller, as you in your wisdom may think just.

*Resolved by the general assembly of the commonwealth of Kentucky,* That the acting governor of Kentucky be requested to transmit copies of the foregoing memorial to each of our senators and representatives from the state of Kentucky in the congress of the United States, and that they be directed to lay the same before congress, and use their best exertions to have it acted upon during the present session.

And thereupon the rule being dispensed with, it was taken up, read and unanimously adopted.

*Ordered,* That Mr. Harrison acquaint the house of representatives therewith, and request their concurrence.

A message from the house of representatives, by Mr. Todd, their secretary :

*Mr. Speaker*—The house of representatives disagree to a bill from the senate, entitled “an act for the benefit of Daniel Trabue.” They have passed a bill from the senate, entitled “an act allowing further time to survey head-right claims,” with an amendment; and they have passed bills of the following titles : An act for the benefit of the devisees of John Curd and the heirs of Price Curd; an act to prescribe the proceedings against banks and other incorporations that may forfeit their charters; an act for the benefit of the heirs of Adam Woods, deceased; and an act authorising Walter Preston to convey certain lands within this commonwealth; in which amendment and bills they request the concurrence of the senate.

And then he withdrew.

The amendment proposed by the house of representatives to the bill entitled “an act allowing further time to survey head-right claims, was taken up, read and concurred in.

*Ordered,* That the clerk inform the house of representatives thereof.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Crutcher in the chair; and

after some time spent therein, Mr. Speaker resumed the chair, and Mr. Crutcher reported, that the committee had according to order taken into consideration several resolutions concerning banks, and had made some progress therein, but not having time to go through the same, had instructed him to move for leave to sit again.

A message from the house of representatives, by Mr. A. Butler:

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act for the erection of a new county out of the counties of Logan, Warren and Allen;” in which they request the concurrence of the senate.

And then he withdrew.

The nomination of Benjamin Mills, as judge of the 11th judicial district, was taken up and read; and it was unanimously resolved that the senate advise and consent thereto.

*Ordered*, That Messrs. Churchill and Davidson acquaint the lieutenant-governor therewith.

The nomination of Silas M. Noel, as judge of the 4th judicial district, was taken up, read, and the question being taken on advising and consenting thereto, it was resolved in the negative—Yeas 11, nays 20.

The yeas and nays being required thereon by Messrs. Crutcher and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Churchill, Davidson, Eve, Faulkner, Ford, Griffin, Mason, Thompson, Wilson and Worthington.

Those who voted in the negative, are, Messrs. Barry, Bartlett, Bledsoe, Chambers, Crutcher, Davidge, Fleming, Given, Harrison, Johnson, Jones, Owens, Perrin, Slaughter, South, Southgate, Taylor, Wickliff, Wood and Yancey.

*Resolved*, That the senate do not advise and consent to said nomination.

*Ordered*, That Messrs. Churchill and Davidson acquaint the lieutenant-governor therewith.

And then the senate adjourned.

## TUESDAY, JANUARY 12, 1819.

The senate assembled.

Mr. Churchill presented the petition of James Caldwell and others, praying relief against two judgments obtained by the commonwealth for the revenue tax for the years 1793-4, due from Ben. Pope, former sheriff of Nelson county.

Which was read and referred to Messrs. Churchill, Ford, Crutcher, Wickliff and Bridges, who have leave to report by bill or otherwise.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had laid before the lieutenant-governor the enrolled bills and resolution last signed by the speakers of both houses. That they had examined sundry enrolled bills, of the following titles: An act concerning the sergeant of the court of appeals; an act allowing further time to survey certain claims; and an act for the relief of the sheriffs of this commonwealth; and found the same truly enrolled.

A message from the house of representatives, by Mr. Todd:

*Mr. Speaker*—The house of representatives have adopted a resolution to cause the erection of tomb-stones over the remains of the late generals George Rogers Clark and Charles Scott; in which they request the concurrence of the senate.

And then he withdrew.

Which being read was laid on the table.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Bridges—A bill authorising the Mercer county court to dispose of part of their public ground.

By Mr. Mason—A bill for the benefit of James Sammons, of Estill county.

And by Mr. Given—A bill establishing an academy in the county of Livingston.

Which were severally read the first time.

The rule being dispensed with, they were read a second time and ordered to be engrossed and read a third time.

The rule was again dispensed with, and the first (being engrossed) was read a third time.

*Resolved*, That the said bill do pass, and that the title be "an act authorising the Mercer county court to dispose of part of their public ground."

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

An engrossed bill to incorporate the Beech Fork Navigation Company, was taken up; and Mr. Wickliff moved to add the following section, by way of rider, to wit:

*And be it further enacted*, That the treasurer of this commonwealth shall be authorised to subscribe one hundred and fifty shares; which money shall be paid as is collected from

other stockholders ; and the treasurer for the time being shall have a right to vote, according to such shares, in person or by proxy appointed by him, and shall receive the dividend from time to time, which said company bind themselves shall not be less than eight per centum per annum.

And the question being taken thereon, it was resolved in the negative—Yeas 7, nays 21.

The yeas and nays being required thereon by messrs. Wickliff and Griffin, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Bridges, Crutcher, Johnson, Taylor, Wickliff and Worthington.

Those who voted in the negative, are, messrs. Bartlett, Bledsoe, Chambers, Churchill, Davidge, Fleming, Ford, Given, Griffin, Harrison, Jones, Mason, Owens, Perrin, Slaughter, South, Southgate, Thompson, Wilson, Wood and Yancey.

And so the said amendment was rejected.

*Resolved*, That the said bill do pass, and that the title be “an act to incorporate the Beech Fork Navigation Company.”

*Ordered*, That Mr. Wickliff do carry said bill to the house of representatives, and request their concurrence.

A message from the house of representatives, by Mr. M'Millan :

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled “an act to release the state's claim to salt water in certain cases.”

And then he withdrew.

Mr. Fleming moved for leave to bring in a bill for the benefit of the heirs of Israel Tully, deceased ; which was referred to the committee for courts of justice.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Given—A bill to explain the fees of sheriffs in certain cases.

And on the motion of Mr. Wilson—A bill for the relief of James Harkins.

*Ordered*, That messrs. Given, Bledsoe, Worthington, Davidge and Wilson be appointed a committee to prepare and bring in the former ; and messrs. Wilson, Worthington, Given, Slaughter and Yancey, the latter.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Ford in the chair ; and after some time spent therein, Mr. Speaker resumed the chair,



and Mr. Ford reported, that the committee had according to order taken under consideration the nomination of Urbin Ewing as sheriff of Logan county, and the resolution of the committee for courts of justice thereon, and had gone through the same without amendment, which he handed in at the clerk's table.

Mr. Owens moved to amend the resolutions, by substituting the following in lieu thereof:

It appearing to the satisfaction of the senate, from the record of the county court of Logan, that they did not, agreeable to the provisions of the constitution, at their September, October or November term last, (the time of the sheriff of Logan county being about to expire) recommend two of their own body to fill the office of sheriff, having a due regard to seniority and rotation in office; and it appearing that Reuben Browning, the first person named in the recommendation, voted for himself: Wherefore,

*Resolved by the Senate,* That they do advise and consent to the commissioning Urbin Ewing as sheriff of Logan county.

And the question being taken thereon, it was resolved in the negative—Yeas 14, nays 18.

The yeas and nays being required thereon by messrs. Griffin and Owens, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Bridges, Churchill, Crutcher, Davidson, Faulkner, Given, Griffin, Harrison, Mason, Owens, Slaughter, Wickliff, Wilson and Worthington.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Chambers, Davidge, Eve, Fleming, Ford, Johnson, Jones, Perrin, South, Southgate, Taylor, Thompson, Wood and Yancey.

And so the said amendment was rejected.

The question was then taken on agreeing to the resolutions reported by the committee for courts of justice, and it was resolved in the affirmative—Yeas 18, nays 14.

The yeas and nays being required thereon by messrs. Bledsoe and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Chambers, Davidge, Eve, Fleming, Ford, Johnson, Jones, Perrin, South, Southgate, Taylor, Thompson, Wood and Yancey.

Those who voted in the negative, are, messrs. Bridges, Churchill, Crutcher, Davidson, Faulkner, Given, Griffin, Harrison, Mason, Owens, Slaughter, Wickliff, Wilson, and Worthington.



*Resolved*, That the senate do not advise and consent to the said nomination.

*Ordered*, That Messrs. Slaughter and Worthington acquaint the lieutenant-governor therewith.

The resolution for a division of the public printing, was taken up, read, and Mr. Owens moved to add the following amendment thereto: "And that hereafter nothing shall be allowed the public printers for office rent."

And then the senate adjourned.

WEDNESDAY, JANUARY 13, 1819.

The senate assembled.

Mr. Barry presented the petition of sundry citizens of Caldwell county, praying that a law may pass incorporating the Eddyville Steam-Mill company.

Which was read and referred to the committee of propositions and grievances.

A message from the house of representatives, by Mr. M'Millan:

*Mr. Speaker*—The speaker of the house of representatives, from indisposition, being unable to attend, they have elected Martin D. Hardin, Esq. speaker *pro tem*.

And then he withdrew.

A message from the house of representatives, by Mr. Hunter:

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed the said bills, being the same reported yesterday by Mr. Yancey, and they were delivered to the joint committee, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Yancey reported that they had performed that duty.

Mr. Mason, from the committee of privileges and elections, made the following report, to wit:

The committee of privileges and elections have had under consideration the sheriffs' returns from the several senatorial districts, and do report the following gentlemen elected:

From the 8th senatorial district, composed of the counties of Woodford and Jessamine, William E. Blackburn.

From the 10th district, composed of the counties of Franklin and Gallatin, Henry Davidge.

From the 31st district, composed of the counties of Lincoln and Rockcastle, James Davidson.

From the 13th district, composed of the county of Shelby, James Ford.

From the 11th district, composed of the counties of Harrison and Bracken, Josephus Perrin.

From the 33rd district, composed of the county of Madison, Humphrey Jones.

From the 24th district, composed of the county of Logan, Thomas S. Slaughter.

From the 23rd district, composed of the counties of Muhlenburg, Hopkins and Union, William Worthington.

From the 3rd district, composed of the counties of Fleming and Nicholas, William P. Fleming, to serve for one year in the vacancy occasioned by the resignation of James Parks.

The resolution for the division of the public printing, was taken up; and the question being taken thereon, it was resolved in the negative—Yeas 15, nays 16.

The yeas and nays being required thereon by Messrs. Yancey and Chambers, were as follows, to wit:

Those who voted in the affirmative, are Mr. Speaker, and Messrs. Bartlett, Bridges, Churchill, Crutcher, Davidge, Davidson, Eve, Faulkner, Griffin, Jones, Mason, Owens, Slaughter and Worthington.

Those who voted in the negative, are, Messrs. Barry, Chambers, Fleming, Ford, Given, Harrison, Johnson, Perrin, South, Southgate, Taylor, Thompson, Wickliff, Wilson, Wood and Yancey.

And so the said resolution was rejected.

Mr. Davidge, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances have according to order had under consideration sundry petitions, and have come to the following resolutions, thereupon, to wit:

*Resolved*, That the petition of sundry citizens of Christian county, respecting the navigation of Pond river, *be rejected*.

*Resolved*, That the petition of Elias Smith, praying that a law may be passed prohibiting the navigators of Pond river from building boats so large as to injure or break down his bridge, *be rejected*.

Which being twice read, the former resolution was ordered to be laid on the table, and the latter was concurred in.

Mr. Davidge, from said committee, also reported a bill providing for the navigation of Pond river ; which was read the first time, and ordered to be read a second time.

*Ordered*, That a message be sent to the house of representatives, to inform them that the senate are now ready, by a joint vote with the house of representatives, to proceed to the election of public printer, treasurer, and a president and directors to the Bank of Kentucky ; and that the following persons stand on nomination before the senate, to fill the respective offices, to wit :

For public printers—Kendall and Russells, and Moses O. Bledsoe.

For treasurer—Samuel South and James J. Miles.

For president—Robert Alexander.

For directors—Willis A. Lee, Oliver G. Waggencer, Richard Taylor, George M. Bibb, John W. Wooldridge, William Gerard, Peter Dudley, Robert S. Todd and Achilles Sneed.

And that Mr. Fleming do carry said message.

A message from the house of representatives, by Mr. Booker :

*Mr. Speaker*—I am directed to inform the senate, that the house of representatives are now ready, by a joint vote with the senate, to proceed to the election of public printers, treasurer, president and directors to the Bank of Kentucky on the part of the state ; and that the same gentlemen stand on the nomination before that house, for the respective offices, as reported from the senate.

And then he withdrew.

The senate then proceeded in the said elections ; and separate votes being taken, messrs. Owens and Yancey were appointed a committee on the part of the senate, to meet a committee on the part of the house of representatives, to examine and compare the different polls, and to report to their respective houses the state of the votes.

The committee retired, and after some time returned, when Mr. Owens reported that the vote for public printer stood thus :

For Kendall and Russells,	90
Moses O. Bledsoe,	26

For treasurer, thus :

For Samuel South,	113
James J. Miles,	6

That Robert Alexander had received a unanimous vote as president of the Bank of Kentucky.

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And that for directors, the joint vote stood thus : For Willis A. Lee, 92 ; Oliver G. Waggener, 92 ; Richard Taylor, 86 ; George M. Bibb, 94 ; John W. Wooldridge, 51 ; William Gerard, 51 ; Peter Dudley, 102 ; Robert S. Todd, 83 ; Achilles Sneed, 65.

Whereupon Mr. Speaker declared messrs. Kendall and Russells elected public printers ; Samuel South, treasurer ; Robert Alexander, president of the Bank of Kentucky ; and Peter Dudley, George M. Bibb, Willis A. Lee, Oliver G. Waggener, Richard Taylor and Robert S. Todd, directors on the part of the state.

*Ordered*, That messrs. Owens and Yancey, in co-operation with the committee on the part of the house of representatives, inform the lieutenant-governor that Samuel South, Esq. is duly elected treasurer of this commonwealth for the ensuing twelve months.

Engrossed bills, to wit : A bill further to regulate the town of Germantown, in the counties of Mason and Bracken, and a bill to incorporate the Southern College of Kentucky, were severally read a third time, and the blanks in the latter filled.

*Resolved*, That the said bills do pass, and that the titles be, respectively, "an act further to regulate the town of Germantown, in the counties of Mason and Bracken," and "an act to incorporate the Southern College of Kentucky."

*Ordered*, That Mr. Johnson do carry said bills to the house of representatives, and request their concurrence.

A message from the house of representatives, by Mr. Worthington :

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act for the benefit of John Woods, of Mercer county ;" in which they request the concurrence of the senate.

And then he withdrew.

Mr. Johnson, from the select committee to whom was referred a bill concerning the duties of the register of the land-office, reported the same with an amendment, which together with the bill was ordered to be laid on the table.

Mr. Given, from the select committee appointed for that purpose, reported a bill to explain the fees of sheriffs in certain cases ; which was read the first time and ordered to be read a second time.

And then the senate adjourned.



## THE SENATE.

THURSDAY, JANUARY 14, 1819.

The senate assembled.

Mr. Barry presented the petition of John Woods, of Mercer county, representing that at the last September term of the Mercer circuit court, he was appointed by said court to act as an elisor, on the trial of Samuel Daviess, for which said court made him an allowance for his services; but that no law exists providing for his payment; and praying that a law may pass directing the payment of the allowance made to him as aforesaid.

Mr. Bledsoe presented the petition of sundry citizens of Bourbon county, praying the erection of an election precinct in said county.

Which were severally read; the former was ordered to be laid on the table, and the latter referred to the committee of propositions and grievances.

A message from the house of representatives, by Mr. Coombs:

*Mr. Speaker*—The house of representatives have unanimously adopted a memorial and resolution respecting Christopher Miller.

And then he withdrew.

The senate received messages in writing from the lieutenant-governor, by Mr. Waggener, which were taken up and read as follows, to wit:

*Gentlemen of the Senate,*

Samuel South, the treasurer elect, tenders the following gentlemen as his securities for the faithful discharge of the duties of his office for the current year. They are submitted to you for your approbation, viz. George M. Bibb, Jephthah Dudley, Charles S. Todd, John H. Todd, Francis P. Blair, Peter Dudley, Benjamin South, Richard Taylor, sen. and Willis A. Lee.

GABL. SLAUGHTER.

January 14th, 1819.

*Gentlemen of the Senate,*

I nominate for your advice and consent, John Rowan, judge of the court of appeals, to fill the vacancy occasioned by the resignation of the honorable William Logan.

John P. Oldham, circuit judge, to preside in the 5th judicial district, in place of Alfred Metcalfe, resigned.

GABL. SLAUGHTER.

January 14th, 1819.



*Resolved*, That the senate approve of the securities tendered by the treasurer; that they advise and consent to the nominations of John Rowan as judge of the court of appeals, and John P. Oldham as judge of the 5th judicial district.

*Ordered*, That messrs. Jones and Perrin acquaint the lieutenant-governor of the approval of the securities of the treasurer, and messrs. Wickliff and Crutcher, of the judges.

The senate received information by Mr. Waggener, that the lieutenant governor did on to-day approve and sign sundry enrolled bills which originated in the senate, of the following titles, to wit: An act allowing further time to survey certain claims; an act for the relief of the sheriffs of this commonwealth; and an act concerning the sergeant of the court of appeals.

*Ordered*, That the clerk inform the house of representatives thereof.

Mr. Churchill, from the committee appointed for that purpose, reported a bill for the benefit of James Caldwell and others; which was read the first time and ordered to be read a second time.

Engrossed bills, to wit: A bill providing for the appointment and compensation of commonwealth's attorneys for the circuit courts; a bill to authorise the trustees of the presbyterian meeting-house and lot in Paris to sell the same; a bill providing for a change of venue in the case of Francis and Sandefur Petty; a bill for the benefit of the sheriff of Hardin county; a bill for the benefit of Samuel May; a bill to regulate the practice of the general court in certain cases; a bill for the benefit of James Sammons; and a bill establishing an academy in the county of Livingston; were severally read a third time.

The question being taken on the passage of the first, it was resolved in the affirmative—Yeas 19, nays 13.

The yeas and nays being required thereon by messrs. Jones and Harrison, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Chambers, Churchill, Davidge, Eve, Faulkner, Griffin, Johnson, Jones, Perrin, Slaughter, Southgate, Taylor, Thompson and Yancey.

Those who voted in the negative, are, messrs. Crutcher, Davidson, Fleming, Ford, Given, Harrison, Mason, Owens, South, Wickliff, Wilson, Wood and Worthington.

*Resolved*, That the said bills do pass, and that the titles be respectively, "an act providing for the appointment and

compensation of commonwealth's attornies for the circuit courts; an act to authorise the trustees of the presbyterian meeting-house and lot in Paris to sell the same; an act providing for a change of venue in the case of Francis and Sandefur Petty; an act for the benefit of the sheriff of Hardin county; an act for the benefit of Samuel May; an act to regulate the practice of the general court in certain cases; an act for the benefit of James Sammons; and an act establishing an academy in the county of Livingston."

*Ordered*, That Mr. Bledsoe do carry the first and second, Mr. Owens the third, and the clerk the remainder, to the house of representatives and request their concurrence.

A bill from the house of representatives, entitled "an act to incorporate the trustees of the Centre College of Kentucky, at Danville," was read the second time and laid on the table.

The following bills were severally read a second time, to wit: 1. A bill authorising an addition to the town of Burksville; 2. a bill to prohibit the exportation of slaves for sale; 3. a bill to establish a new judicial district; 4. a bill for the benefit of the heirs of John Marshall, deceased; 5. a bill to amend the several acts respecting the opening a road from New-Castle to the mouth of Licking; 6. a bill to explain the fees of sheriffs in certain cases; 7. a bill to amend the act regulating the towns of Millersburg, Paris, Bairdstown, and for other purposes, approved February 4, 1817; and 8. a bill providing for the navigation of Pond river.

The first was committed to messrs. Owens, Fleming, Davidson, Wood and Johnson; the second, to messrs. Fleming, Faulkner, Mason, Barry, Bledsoe, Davidge, Jones and Thompson; the third, to messrs. Johnson, Crutcher, Wickliff, Worthington, Slaughter, Hardin, Wilson and Owens; the fourth, to messrs. Barry, Bartlett and Davidge; and the fifth, to messrs. Bartlett, Davidge, Southgate, Ford and Churchill.

The sixth was ordered to be engrossed and read a third time.

The rule being dispensed with, the seventh and eighth were severally read a third time (having been engrossed).

*Resolved*, That said bills do pass, and that the titles be, respectively, "an act to amend the acts regulating the towns of Millersburg, Paris, Bairdstown, and for other purposes, approved February 4, 1817," and "an act providing for the navigation of Pond river."

*Ordered*, That the clerk do carry said bills to the house of representatives, and request their concurrence.

The bill from the house of representatives, entitled "an act concerning commonwealth's attorneys," was taken up.

And then the senate adjourned.

FRIDAY, JANUARY 15, 1819.

The senate assembled.

Mr. Barry presented the petition of the justices of Woodford county, representing that Francis Peart, of said county, devised to them a large real and personal estate, for the benefit of a school; and praying that a law may pass to incorporate a school, conformably to the intentions of the testator, under the provisions of said will, and to release the claim of the commonwealth (if any exists) to the estate devised.

Which was read and referred to messrs. Barry, Bridges, Davidge, Johnson, Owens and Churchill, with leave to report by bill or otherwise.

Mr. Davidge, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances have according to order had under consideration the petition of William Settles, of Adair county, praying leave to erect a dam for a mill, across Green river, and have come to the following resolution thereon, to wit:

*Resolved*, That the said petition *be rejected*.

Which being twice read was concurred in.

The nomination of Thomas Smith, as major of the 9th regiment, was taken up; and Mr. Faulkner, from the select committee to whom the nomination was referred, made the following report, to wit:

The select committee to whom was referred the nomination of Thomas S. Smith, as major to the 9th regiment of Kentucky militia, have had the same under consideration, and have come to the following resolution thereon, to wit:

*Resolved*, That the senate do advise and consent to said nomination.

Which being twice read was unanimously concurred in.

*Ordered*, That Messrs. Faulkner and Owens acquaint the lieutenant-governor therewith.

The nomination of Mason Singleton, colonel of the 9th regiment, was taken up, and committed to messrs. Faulkner,

South, Owens, Jones, Davidson, Thompson, Perrin and Griffin.

Mr. Wickliff read and laid on the table the following resolution, to wit:

Information having been received of the death of general Matthew Walton, it is with the deepest regret we have learned the fatal event which has deprived the commonwealth of a respectable and useful citizen: Therefore,

*Be it resolved by the general assembly of the Commonwealth of Kentucky,* That the members of each house wear trape on the left arm thirty days, in memory of general Walton.

And thereupon the rule being dispensed with, the said resolution was taken up, read and adopted.

*Ordered,* That Mr. Wickliff acquaint the house of representatives therewith, and request their concurrence.

Mr. Churchill, from the committee appointed for that purpose, reported a bill authorising the appointment of port-wardens for the county of Jefferson.

And leave was given Mr. Bledsoe to report a bill further regulating North Middletown, in Bourbon county.

Which were severally read the first time.

The rule being dispensed with, they were severally read a second time.

The former was committed to messrs. Chambers, Churchill, Southgate and Given; and the latter to messrs. Bledsoe, Owens, Taylor and Fleming.

*Ordered,* That messrs. Fleming and Bridges be added to the committee appointed to prepare and bring in a bill to amend the act concerning mill-dams.

The senate received a message in writing from the lieutenant-governor, by Mr. Waggener, containing certain nominations, to wit:

*Gentlemen of the Senate,*

Since the last session of the general assembly, sundry vacancies have taken place in the military and civil departments. Those vacancies, except in a few instances of recent date, have been filled by appointments which will expire with the present session.

I therefore nominate for your advice and consent, the following gentlemen, to be commissioned during good behaviour, viz.

IN THE MILITARY DEPARTMENT.

George H. Briscoe, colonel of the 43d regiment, in place of Richard Davenport, who was promoted.



William Miller, lieutenant colonel of the same regiment, in place of George Briscoe, promoted.

Lemuel Dunn, major of the same regiment, in place of William Miller, promoted.

William Sale, major of the 51st regiment, in place of Thomas Woolfolk, promoted.

William L. Sands, lieutenant colonel of the 23d regiment, in place of James Hambright, resigned.

Eli Briant, major of the same regiment, in place of William L. Sands, promoted.

Thomas Jameson, jun. lieutenant colonel of the 34th regiment, in place of Samuel Goodwin, resigned.

Jeremiah C. Orear, major of the same regiment, in place of Thomas Jameson, jun. promoted.

Robert Matson, colonel of the 14th regiment, in place of Willoughby Sandford, resigned.

James M. Cogswell, lieutenant colonel of the same regiment, in place of Robert Matson, promoted.

Levi Crose, major of the same regiment, in place of Seth Duncan, removed.

John Bishop, major of the 62d regiment, in place of John C. Crume, deceased.

James G. Yates, lieutenant colonel of the 93d regiment, in place of William Patterson, resigned.

Thomas Turk, major of the same regiment, in place of James G. Yates, promoted.

Henry Roberts, major of the 13th regiment, in place of Ayres Throckmorton, removed.

Joseph Reding, lieutenant colonel of the 12th regiment, in place of John Duvall, resigned.

John Williamson, major of the same regiment, in place of Joseph Reding, promoted.

Christian Orendorff, lieutenant colonel of the 91st regiment, in place of George S. Browning, resigned.

Henry Myers, major of the same regiment, in place of Christian Orendorff, promoted.

John M. McCalla, colonel of the 42d regiment, in place of Abraham S. Drake, resigned.

Percival Butler, major of the same regiment, in place of John M. McCalla, promoted.

Benjamin T. Thornton, major of the 47th regiment, in place of Henry Ellis, promoted.

Armstead H. Churchill, brigade quartermaster of the 23d brigade.



Joseph Kennedy, colonel of the 48th regiment, in place of John Leathers, resigned.

David Perry, lieutenant colonel of the same regiment, in place of Joseph Kennedy, promoted.

Thomas Stevens, major of the same regiment, in place of David Perry, promoted.

Benjamin Fowler, lieutenant colonel of the 67th regiment, in place of Benjamin Craig, resigned.

William Kirtly, major of the same regiment, in place of Benjamin Fowler, promoted.

Henry Beatty, lieutenant colonel of the 78th regiment, in place of Abner Wiseman, resigned.

Abner Lee, lieutenant colonel of the 78d regiment, in place of Meredith Cox, resigned.

James Hollinhead, major of the same regiment, in place of Abner Lee, promoted.

James D. Allen, division inspector of the 6th division, in place of George B. Knight, resigned.

John H. Rudd, colonel of the 28th regiment, in place of Aquilla Smith, resigned.

John Morgan, division inspector of the 11th division.

William Wilson, division quartermaster of the same division.

Michael Graves, major of the 21st regiment, in place of James Ellis, resigned.

John Payne, lieutenant colonel of the 28th regiment, in place of John H. Rudd, promoted.

Buckley Blassingame, major of the same regiment, in place of John Dawson, removed.

Edmund Baxter, brigadier general of the 13th brigade, in place of Samuel South, removed.

Gabriel Miles, major of the 20th regiment, in place of — Givens, deceased.

Isaac Miller, colonel of the 26th regiment, in place of William Brown, resigned.

Ninian Riley, lieutenant colonel of the same regiment, in place of Isaac Miller, promoted.

John Wilson, major of the same regiment, in place of Ninian Riley, promoted.

Martin Hardin, colonel of the 4th regiment, in place of William Ray, resigned.

Robert Scott, lieutenant colonel of the same regiment, in place of Martin Hardin, promoted.

James A. M'Elroy, major of the same regiment, in place of Robert Scott, promoted.

Aaron Sharp, major of the 78th regiment, in place of Henry Beatty, promoted.

Nicholas Hocker, colonel of the 35th regiment, in place of Edmund Baxter, promoted.

Sylvanius Massie, lieutenant colonel of the same regiment, in place of Nicholas Hocker, promoted.

William Black, major of the same regiment, in place of Sylvanius Massie, promoted.

Archibald Woods, brigade quartermaster of the 13th brigade.

Spencer Curd, division inspector of the 1st division, in place of Young Ewing, resigned.

Charles S. Morton, brigade quartermaster of the 3d brigade, in place of Matthew Flournoy, resigned.

Edward Jones, brigade quartermaster of the 11th brigade, in place of Benjamin Barner, resigned.

Isaac W. Dabney, lieutenant colonel of the 33d regiment, in place of William Ingram, resigned.

Simeon N. Calfus, major of the same regiment, in place of Alexander Veatch, resigned.

Thomas H. Pindall, brigade quartermaster of the 6th brigade, in place of Benjamin Taylor, resigned.

John Sutton, colonel of the 1st regiment, in place of Philip Shively, resigned.

Springer Augustus, lieutenant colonel of the same regiment, in place of John Sutton, if promoted.

John H. Miller, major of the same regiment, in place of Springer Augustus, if promoted.

Solomon Blue, major of the 83d regiment.

Fleming Robinson, brigadier general of the 8th brigade, in place of Richard Davenport, deceased.

Robert B. M'Afee, colonel of the 5th regiment, in place of George M'Afee, resigned.

Peter Jordon, lieutenant colonel of the same regiment, in place of Robert B. M'Afee, if promoted.

Samuel McCoun, major of the same regiment, in place of Peter Jordon, if promoted.

Richard Bennett, lieutenant colonel of the 92d regiment, in place of Jacob Ellison, resigned.

Christopher Lillard, major of the same regiment, in place of Richard Bennett, if promoted.

Thomas Moore, brigade quartermaster of the 5th brigade, in place of James True, who refused to serve.

Solomon P. Sharp, colonel of the 25th regiment, in place of Thomas A. Covington, deceased.

William Marshall, lieutenant colonel of the same regiment, in place of Solomon P. Sharp, if promoted.

William Kirby, major of the same regiment, in place of William Marshall, if promoted.

Robert Lewis, lieutenant colonel of the 39th regiment, in place of William Crabtree, removed.

Robert Rogers, major of the same regiment, in place of Robert Lewis, if promoted.

#### IN THE CIVIL DEPARTMENT.

Randolph Railey, jun. notary public in and for the town of Versailles and county of Woodford.

James Wand, notary public in and for the town of Russellville and county of Logan.

William C. Bell, notary public in and for the county of Fayette and town of Lexington.

William M'Affee, notary public in and for the town of Harrodsburg and county of Mercer.

Richard White, notary public in and for the town of New-Castle and county of Henry.

James S. Berryman, sheriff of the county of Woodford, in place of James Howard, deceased.

Harrison Blanton, notary public in and for the county of Franklin and town of Frankfort.

James Clarke, notary public in and for the county of Christian.

Marquis Thomas, sheriff of the county of Montgomery, in place of William Orear, resigned.

George E. Rowland, notary public in and for the town of Lebanon and county of Washington.

John D. Early, notary public in and for the county of Fleming.

John Whitnell, sheriff of the county of Caldwell, in place of Josiah Whitnell, deceased.

#### GABL. SLAUGHTER.

January 15th, 1819.

A message from the house of representatives, by Mr. T. Ward:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to regulate the fees of the justices of the peace of this commonwealth;" in which they request the concurrence of the senate.

And then he withdrew.

Mr. Owens, from the committee to whom was referred a bill authorising an addition to the town of Burksville, report-

ed the same with an amendment, which being twice read was concurred in.

*Ordered*, That the bill as amended be engrossed and read a third time.

Mr. Fleming, from the committee appointed for that purpose, made the following report, to wit :

The select committee appointed to enquire into the charges made known to the senate against William M'Clanahan, a justice of the peace for the county of Nicholas, have performed the duty assigned them, by calling the accused before them, together with sundry witnesses, both against and for him; by examining all the testimony on both sides, and hearing the accused, both by himself and counsel; and have, after mature deliberation, unanimously adopted the following report, viz.

It but seldom falls to the lot of enquiry, on trying officers, to have to record the crime of larceny, which the committee have no doubt has been fully and satisfactorily proven against the accused on this occasion; and for the honor of human nature, and the credit of that respectable body of magistracy styled justices of the peace, your committee sincerely hope that such instances will very seldom occur. Your committee have not thought fit to report all the evidence in detail, because they have no doubt of the crime of larceny being satisfactorily proven, and that the accused did avoid a fair trial on the merits of a prosecution against him on the aforesaid charge, by persuading the justices before whom the same was tried, that as the value of the property did not exceed the value of four dollars, that he was not liable to be prosecuted after the period of one year had elapsed from the time of the commission of the offence. This latter circumstance, your committee only view as an additional circumstance of his guilt. They have therefore determined to recommend to the legislature to adopt an address of both branches, requiring from the executive a removal of the accused from office, agreeably to the provisions of the constitution; and to effectuate that object, they report for consideration the following resolution and address, to wit :

*Resolved by the general assembly of the commonwealth of Kentucky*, (two-thirds of each branch concurring therein) That William M'Clanahan, a justice of the peace in and for the county of Nicholas, ought to be removed from the office of justice of the peace; and that the following address be presented to his excellency Gabriel Slaughter, acting governor of this commonwealth, in order that said removal may be effected.



*To his excellency Gabriel Slaughter, lieutenant-governor, acting as governor of the commonwealth of Kentucky.*

According to the provisions of the constitution of this state, the senate and house of representatives (two-thirds of both branches concurring) present you this address, requiring you to remove from office William M'Clanahan, a justice of the peace in and for the county of Nicholas, for the following cause and reason, which they have caused to be stated at length on the journals of both branches, viz.

*First*—That the said William M'Clanahan, then and now being a justice of the peace in and for the county of Nicholas, did some time in the winter of the years 1816, 1817, at divers times and days feloniously steal, take and carry away wheat in the straw, the property of John Linkart.

And for this reason we require his removal from office.

*Ordered*, That the said report be referred to a committee of the whole house on the state of the commonwealth.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Jones in the chair; and after some time, Mr. Speaker resumed the chair, and Mr. Jones reported, that the committee had according to order taken under consideration the report of the select committee appointed to investigate certain charges exhibited against William M'Clanahan, a justice of the peace in and for the county of Nicholas, and had gone through the same without amendment.

Mr. Johnson then moved to amend the report and resolution, by striking out the residue thereof after the preamble, and inserting the following, to wit:

“That the charges against the accused are not satisfactorily and well established by the evidence.

*Resolved, therefore*, That the said M'Clanahan be discharged.”

And the question being taken on agreeing to said amendment, it was resolved in the affirmative—Yeas 22, nays 8.

The yeas and nays being required thereon by messrs. Barry and Harrison, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Bartlett, Bridges, Churchill, Crutcher, Eve, Faulkner, Ford, Given, Griffin, Harrison, Johnson, Jones, Slaughter, South, Southgate, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.



Those who voted in the negative, are, messrs. Barry, Chambers, Davidge, Fleming, Mason, Owens, Perrin and Taylor.

The report and resolution as amended were then concurred in.

And then the senate adjourned.

SATURDAY, JANUARY 16, 1819.

The senate assembled.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Davidge—A bill establishing an election precinct in Bourbon county.

By Mr. Bledsoe—A bill to amend the law concerning executions.

And leave was given Mr. Barry to report a bill for the benefit of the infant heirs of James Hughes, deceased.

Which were severally read the first time.

The second was ordered to be read a second time on Wednesday next.

The rule being dispensed with, the first and third were read a second time, and ordered to be engrossed and read a third time.

And the third (having been engrossed) was read a third time.

*Resolved*, That the said bill do pass, and that the title be "an act for the benefit of the infant heirs of James Hughes, deceased."

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

*Ordered*, That the public printers forthwith print 150 copies of the second bill, for the use of the members of the legislature.

The following bills were severally reported with amendments, from the select committees to whom they were referred, to wit:

By Mr. Barry—A bill for the benefit of the heirs of John Marshall, deceased.

By Mr. Chambers—A bill authorising the appointment of port wardens for the county of Jefferson.

And by Mr. Bledsoe—A bill further regulating North Middletown, in Bourbon county.

The amendments were severally read, and the two former concurred in. The said bills were then ordered to be engrossed and read a third time; and the latter was laid on the table.

The nomination of Mason Singleton, colonel of the 9th regiment, was taken up; and Mr. Faulkner, from the select committee to whom the nomination was referred, made the following report, to wit:

The select committee to whom was referred the nomination of Mason Singleton, as colonel of the 9th regiment of Kentucky militia, have had the same under consideration, and beg leave to offer the following resolution:

*Resolved*, That the senate do advise and consent to said nomination.

Which being twice read was concurred in.

*Ordered*, That Messrs. Faulkner and Owens acquaint the lieutenant-governor therewith.

The nominations made on yesterday, were taken up and read.

*Resolved*, That the senate advise and consent to the said nominations, except to those of Abner Lee, lieutenant-colonel of the 73d regiment; James Hollinhead, major of the same; Simeon N. Callus, major of the 33d regiment; James A. M'Elroy, major of the 4th regiment; Christopher Lillard, major of the 92d regiment; Marquis Thomas, Sheriff of Montgomery county; Richard Bennett, lieutenant-colonel of the 92d regiment; and James S. Berryman, sheriff of Woodford county.

The six former nominations were ordered to be laid on the table; that of Richard Bennett, colonel of the 92d regiment, was committed to Messrs. Davidge, Ford, Thompson, Perrin and Griffin; and the latter was committed to a committee of the whole house on the state of the commonwealth.

The senate received a message in writing from the lieutenant-governor, by Mr. Waggener, which was taken up and read as follows, to wit:

*Gentlemen of the Senate,*

I nominate for your advice and consent, Moses Hubbard, lieutenant-colonel of the 26th regiment, in place of David Wooley, resigned.

Edmund Ramsey, major of the same regiment, in place of Moses Hubbard, if promoted.

GABL. SLAUGHTER.

January 16th, 1819.

*Resolved*, That the senate advise and consent to the said nominations.

*Ordered*, That Messrs. Jones and Mason acquaint the lieutenant-governor therewith.

A message from the house of representatives, by Mr. Sharp:

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act imposing a tax on all banking houses not incorporated by this commonwealth;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was then taken up and read the first time; and the rule being dispensed with, it was read a second time, and committed to a committee of the whole house on the state of the commonwealth for Tuesday next.

*Ordered*, That the public printers forthwith print 150 copies of said bill for the use of the senate.

Mr. Wickliff, from the joint committee appointed to examine into and report the state of the treasurer's office, made the following report, to wit:

*Samuel South, treasurer, in account with the State of Kentucky.*

Nov. 10—To cash remaining in the treasury the

30th Jan. last,	\$ 58,453 16
Received of sheriffs since 30th Jan.	4,443 88
do. clerks of courts same time,	2,000 58
do. Green river settlers do.	7,629 05
do. vacant land do.	12,958 85
do. Tellico land do.	11 60
do. sergeant court of appeals,	894 82
do. dividend bank stock 1st Jan. last,	23,457 54
do. 1st July,	21,699 93
do. secretary of state,	20 90
do. penitentiary,	13,755 56
do. non-residents,	4,939 29
do. register of the land office	1,054 23
do. miscellaneous,	64 41
do. late treasurer,	27,593 76
	<hr/>
	178,677 56

*Monies paid for warrants drawn on the Treasury same time.*

Salaries of officers of the executive department,	\$ 6,410 68
Bank stock subscribed,	21,525 05
Penitentiary,	10,046 62
Legislature, 1817 session,	20,494 48
Criminal prosecution,	6,190 46
Negroes executed,	970 00

Pensioners,	30 00
Judiciary department,	16,783 67
Contingent expences,	1,230 32
Internal improvements,	38,133 00
Clerks of courts,	1,274 70
Commissioners of the state-house,	3,200 00
Executive officers,	2,402 61
Sergeant court of appeals,	215 70
Government house,	1,294 80
Public printing,	2,473 35
Postage,	705 43
Military expenditures,	289 73
Monies refunded,	208 48
Purchase of non-residents' land,	1,107 46
Sheriffs comparing polls,	37 76
Circuit court jailors,	1,135 54
Lunatics,	5,827 02
	<hr/>
	\$ 142,036 86
Aggregate amount of receipts, the sum of	178,677 56
Do. payments, same time,	142,036 86
	<hr/>
Cash in the treasury on 10th Nov. 1818,	\$ 36,640 70

The joint committee of the senate and house of representatives have examined the treasurer's office, and compared the vouchers with the entries, and find them correctly entered, and filed with the books in good order, and the balance struck for the above time. A statement as above is herewith reported, and which is the result of our examination.

All of which is herewith respectfully submitted.

From the senate,

MARTIN H. WICKLIFF,  
THOS. S. SLAUGHTER,  
JAMES DAVIDSON.

From the house of representatives,

THOS. C. HOWARD,  
THOS. KENNEDY,  
LIBERTY GREEN,  
R. BARBOUR,  
BURR HARRISON,  
EDWARD GEORGE.

Which was received and ordered to be laid on the table.

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A bill from the house of representatives, entitled "an act to incorporate the trustees of the Centre College of Kentucky, at Danville," was taken up, and Mr. Bledsoe moved to amend the bill by striking out part of the fourth section, which was read as follows, to wit:

"But it may be lawful for any of the Christian evangelical churches to institute and attach to said college a theological school, on furnishing the funds necessary therefor; the professors in which shall be appointed by, and be under the control of the church instituting the same, and in which the doctrines of said church may be taught. The students in said theological school to be under the immediate government of the professors in the same, but subject nevertheless to the general rules and regulations of the college."

And the question being taken thereon, it was resolved in the affirmative—Yeas 23, nays 5.

The yeas and nays being required thereon by Messrs. Bledsoe and Southgate, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Bartlett, Bledsoe, Chambers, Crutcher, Davidge, Eve, Fleming, Griffin, Harrison, Johnson, Jones, Mason, Perrin, Slaughter, South, Southgate, Taylor, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Bridges, Churchill, Davidson, Faulkner and Wickliff.

The said bill as amended was then read a third time.

*Resolved*, That the said bill as amended do pass.

*Ordered*, That the clerk inform the house of representatives thereof, and request their concurrence in the amendment.

On the motion of Mr. Bledsoe,

*Ordered*, That the committee of the whole house on the state of the commonwealth be discharged from the further consideration of sundry resolutions concerning banks; which were taken up, and Mr. Bledsoe offered the following resolutions as a substitute therefor, to wit:

1. *Resolved*, That the establishment of a monied monopoly, is hostile to republican liberty.

2. *Resolved*, That banks, as they now exist, are such monopolies, and do not depend for their profits upon the useful employment of the products of industry. And as the products of the labor of a nation, are the only genuine sources of national wealth, any corporation or institution which tends to substitute speculation, instead of the proper and valuable fruits of this labor, ought not to exist.



6. *Resolved*, That all banks, as now established, confer exclusive privileges, not for public good; giving to individuals, when incorporated, a right to use their credit in a manner not allowed to their fellow-citizens; and authorising them, as individuals, to receive shares of the profits of such institutions, while their private property is exonerated from their debts.

4. *Resolved*, That such incorporations not only create a privileged order, with interests distinct from the interests of the body of the people, but they tend necessarily to throw wealth and power into the hands of a few; to create a monied aristocracy, more unfeeling than monarchy; to direct and control the administration of the general and state governments, and in the end to destroy the beneficial effects of our free and happy institutions: Wherefore,

5. *Resolved*, That the following be proposed to the several states composing the Union, and which, when adopted by three-fourths of the same, shall be considered as a part of the constitution of the United States, viz.

"No state shall hereafter establish or authorise any bank, or pass any act of incorporation for banking purposes, or with banking powers; nor shall the congress of the United States establish or authorise any bank, or branch thereof, to be located within the limits of any state, without the consent of such state previously given by an act of the legislature thereof, passed by a majority of two-thirds of each branch thereof, and subject to such conditions and regulations as shall be by such act prescribed. And years  
after this amendment shall take effect, every bank or institution with banking powers, incorporated by the act of any state, or of the United States, shall cease and determine; but congress, or any state, may nevertheless pass laws authorising the collection of any debts, or the sale and disposition of any property belonging to such banks or corporations."

6. *Resolved*, That the acting governor of this state be requested to transmit copies of the foregoing resolutions to the executive of each state, to be submitted to the legislatures thereof, for their approbation of the proposed amendment to the constitution of the United States, and also transmit copies thereof to the president of the United States and to each of the senators and representatives in congress from this state.

*Ordered*, That the public printers forthwith print 450 copies of the latter resolutions, for the use of the members of the legislature.

A bill from the house of representatives, entitled "an act for the erection of a new county out of the counties of Logan, Warren and Allen," was read the first time.

The rule being dispensed with, it was read a second time, and committed to messrs. Johnson, Slaughter, Yancey, Eve, Davidson and Crutcher.

And then the senate adjourned.

MONDAY, JANUARY 18, 1819.

The senate assembled.

A message from the house of representatives, by Mr. M'Millan:

*Mr. Speaker*—The house of representatives disagree to a bill from the senate, entitled "an act providing for the appointment and compensation of commonwealth's attorneys for the circuit courts.

And then he withdrew.

A message from the house of representatives, by Mr. Howard:

*Mr. Speaker*—The house of representatives have adopted a resolution directing the joint committee appointed to examine the treasurer's office, to destroy certain vouchers; in which they request the concurrence of the senate.

And then he withdrew.

The said resolution was taken up, read and concurred in as follows, to wit:

IN THE HOUSE OF REPRESENTATIVES, Jan. 16, 1819.

*Resolved*, That the joint committee appointed to examine the treasurer's office, destroy the vouchers remaining in that office, which were receipted for by the present treasurer when he entered upon the duties of his office.

Extract, &c.—Attest, R. S. TODD, C. H. R.

*Ordered*, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Sharp:

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act to incorporate the Bowling-Green Bridge Company," with an amendment, in which they request the concurrence of the senate.

And then he withdrew.

The amendment was taken up, read and concurred in.

*Ordered*, That Mr. Johnson inform the house of representatives thereof.

A message from the house of representatives, by Mr. Duncan (of Lincoln):

*Mr. Speaker*—The house of representatives concur in the amendments proposed by the senate to a bill entitled “an act for the benefit of Daniel and Anthony Owsley.

And then he withdrew.

Mr. Bledsoe moved the following resolution:

*Resolved*, That the following be adopted as a standing rule of the senate:

Every message of the executive shall lie one day for consideration, unless otherwise ordered by four-fifths of the members present.

Which was twice read and adopted.

Mr. Johnson, from the joint committee appointed to examine the register's office, made the following report, to wit:

The joint committee of the senate and house of representatives, appointed to examine and report the state of the register's office, have performed the duty required, and report as follows:

That they find the grants which issued on surveys transmitted from Virginia, tied in bundles, neatly labelled and numbered up to 273, with an alphabet. Eleven volumes containing the record of said surveys, with a complete alphabet. The record of military warrants from the Virginia land-office, in two volumes, with alphabets, and in good order. A list of the Virginia treasury warrants, in two volumes. The record of pre-emption warrants, in one volume; and a volume containing the records of warrants under the proclamation of 1763. The two last have alphabets, and are in good order. Two volumes of records of commissioners' certificates granted in 1779 and 1780, lately transcribed, with alphabets. The record of surveys from Lincoln county, is in the register's office, not bound, nor in a situation to be bound well. The sale books of non-residents' lands for the years 1800, 1, 2 and 4, have a new alphabet—the books are somewhat worn. The books in which the sales of 1805, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 are recorded, they find in good order, with alphabets. Two volumes in which surveys have been registered since 1792, in good order, except the binding. The surveys are in bundles, neatly tied up, and labelled and numbered up to 139, with an alphabet. The record of these surveys, together with the record of some of the grants, are in 14 volumes, with an alphabet, and in good order. The grants issued on treasury warrant surveys since 1792, are recorded in 18 volumes, to which there is an alphabet, new and in good

order. The surveys upon head-right claims, are registered in three volumes, with two alphabets. The head-right plats and certificates of surveys are filed in bundles, neatly tied up and labelled, and numbered up to 288, and recorded in 16 volumes, with two alphabets. Grants issued thereon, recorded in 24 volumes, with alphabets. The land warrants issued under the act of 1800 by this state—the surveys and grants on the same, as also the Tellico surveys and grants, are in 2 volumes—they are registered in one volume; the original surveys tied up in bundles and labelled. One volume containing surveys under the proclamation of 1763, with an alphabet. Two volumes of certificates granted by the commissioners in 1796 and 1798. Anderson's and Croghan's books of entries, in good order, with alphabets. The transcript of Lincoln entries in 2 volumes, with a new alphabet. May's entries (so called) transcribed in 5 volumes, also in good order, to which are two alphabets in volumes. One volume of Green's deputy register of surveys, made previous to June 1792. One volume of relinquishments. A list of Kentucky land-office warrants, issued under the act of 1814, and the subsequent act, in 1 volume, and the records of said warrants in 3 volumes. Grants issued thereon recorded in 5 volumes; the surveys in 3 volumes, and the originals tied and filed in bundles, and numbered up to 55; the registry in 1 volume, with alphabets. Three volumes in which caveats are recorded, with alphabets. One volume of commissioners' certificates, granted in 1780, with an alphabet.

The committee find the office in the general in good order. They are of opinion the school-house on the public square, is too near to the register's office to be occupied as a school-house, and as such annoys the public offices, and proves injurious to the public square, and ought to be removed or appropriated to public purposes, such as an office for the adjutant-general, the public printer, &c. &c.

All which your committee respectfully submit.

Which was read and ordered to be laid on the table.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit :

By Mr. Perrin—A bill to amend the act incorporating independent banks.

By Mr. Owens—A bill to amend the act concerning the improvement of internal navigation.

And leave was given Mr. Hove to report a bill providing for a change of venue in the case of David H. Campbell.



Which were severally read the first time; and the rule being dispensed with, the two former were read a second time and committed to a committee of the whole house on the state of the commonwealth. The latter bill was ordered to be read a second time.

Mr. Bartlett, from the select committee to whom was referred a bill to amend the several acts respecting a road from New-Castle to the mouth of Licking, reported the same with amendments, which were read and concurred in.

The question being taken on engrossing and reading the bill a third time, it was resolved in the negative, and so the said bill was rejected.

The senate received a message in writing from the lieutenant-governor, by Mr. Waggener, containing certain nominations, which were taken up and read as follows, to wit:

*Gentlemen of the Senate,*

I nominate for your advice and consent, Richard Soward, major general of the 7th division, in place of Robert Poage, resigned.

Alexander Lackey, brigadier general of the 14th brigade, in place of John Poage, resigned.

William Reed, brigadier general of the 7th brigade, in place of Richard Soward, if promoted.

Henry Berry, colonel of the 29th regiment, in place of William Reed, if promoted.

John Baker, lieutenant colonel of the same regiment, in place of Henry Berry, if promoted.

Charles Dobyns, major, of the same regiment, in place of John Baker, if promoted.

Eli Pitchford, colonel of the 64th regiment, in place of Samuel Parker, resigned.

James Dye, lieutenant colonel of the same regiment, in place of William Anderson, resigned.

Johnson J. Cockrell, major of the same regiment, in place of Eli Pitchford, if promoted.

William R. Wier, brigadier general of the 17th brigade, in place of Philip Barbour, deceased.

Alexander M. Henry, colonel of the 76th regiment, in place of William R. Wier, if promoted.

Thomas Stokes, lieutenant colonel of the same regiment, in place of Alexander M. Henry, if promoted.

Thomas Warnall, colonel of the 36th regiment, in place of Robert Scobee, resigned.

Colby H. Taylor, lieutenant colonel of the same regiment, in place of Thomas Warnall, if promoted.



John Campbell, major of the same regiment, in place of Colby H. Taylor, if promoted.

Joseph Harron, major of the 51st regiment, in place of Simon Gillaspie, resigned.

Thomas S. Smith, lieutenant colonel of the 9th regiment, in place of Smith Bradshaw, resigned.

Andrew M'Campbell, major of the same regiment, in place of Thomas S. Smith, if promoted.

Thomas Todd, colonel of the 58th regiment, in place of George Mathews, resigned.

John Plummer, lieutenant colonel of the same regiment, in place of Thomas Todd, if promoted.

James Nealis, major of the same regiment, in place of John Plummer, if promoted.

William Summers, colonel of the 50th regiment, in place of William Goddard, resigned.

John Taylor, lieutenant colonel of the same regiment, in place of William Summers, if promoted.

Joseph S. Pepper, major of the same regiment, in place of John Taylor, if promoted.

Joseph Redding, colonel of the 12th regiment, in place of John Williams, resigned.

John Williamson, lieutenant colonel of the same regiment, in place of Joseph Redding, if promoted.

James Patterson, major of said regiment, in place of John Williamson, if promoted.

Alexander Tilford lieutenant colonel of the 77th regiment, in place of John Stone resigned.

Thomas H. Bradford, major of the same regiment, in place of Alexander Tilford, if promoted.

John Mannan, jun. lieutenant colonel of the 15th regiment, in place of Jonathan Grant, removed.

James J. Anderson, major of the same regiment, in place of John Mannan, jun. if promoted.

Benjamin Doom, colonel of the 2d regiment, in place of John O'Bryan, resigned.

James Ballard, lieutenant colonel of the same regiment, in place of Benjamin Doom, if promoted.

George Harrison, major of the same regiment, in place of James Ballard, if promoted.

Francis A. Brown, colonel of the new regiment denominated the 98th.

Nathaniel Auxer, lieutenant colonel of the same regiment.  
Edward Burgess, major of the same regiment.

James Stratton, colonel of the 56th regiment, in place of Alexander Lackey, if promoted.

Theophilus Powell, lieutenant colonel of the same regiment, in place of Francis A. Brown, taken off into the 98th regiment.

Mial Mayo, major of the same regiment, in place of Nathaniel Auxer, taken off into the 98th regiment.

Samuel Scott, colonel of the 81st regiment, in place of James Campbell resigned.

Thomas Cook, lieutenant colonel of the same regiment, in place of Samuel Scott, if promoted.

Richard Graves, major of the same regiment, in place of Thomas Cook, if promoted.

#### CIVIL DEPARTMENT.

David H. Robinson, notary public in and for the county of Warren.

Andrew S. Hughes, notary public in and for the county of Nicholas.

John N. Taliaferro, notary public in and for the county of Campbell, in place of James Taylor, resigned.

Irvine O. Hockaday, notary public in and for the county of Clarke.

#### GABL. SLAUGHTER.

January 18th, 1819.

*Resolved*, That the senate advise and consent to the nominations in the civil department.

*Ordered*, That Mr. Johnson acquaint the lieutenant-governor therewith.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Churchill in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Churchill reported, that the committee had according to order taken into consideration a bill to amend and reduce into one the several acts authorising the change of venue in civil cases, and had gone through the same with amendments, which he handed in at the clerk's table.

*Ordered*, That the bill with the amendments be committed to messrs. Fleming, Bledsoe, Owens, Southgate, Davidge and Bridges.

The substitute for sundry resolutions concerning banks, offered by Mr. Bledsoe on Saturday, were taken up, agreed to and ordered to be laid on the table.

A bill further regulating North Middletown, in Bourbon county, was taken up, and the amendments previously offered thereto concurred in with amendments at the clerk's table.

*Ordered*, That the bill, with the amendments, be engrossed and read a third time.

Bills from the house of representatives, of the following titles, to wit: An act concerning commonwealth's attorney; an act for the benefit of the devisees of John Curd, and the heirs of Price Curd; an act authorising Walter Preston to convey certain lands within this commonwealth; an act to regulate the fees of the justices of the peace of this commonwealth; an act to prescribe the proceedings against banks and other corporations that may forfeit their charters; an act for the benefit of the heirs of Adam Woods, deceased; and an act for the benefit of John Woods, of Mercer county; were severally read the first time.

The five former were ordered to be read a second time; and the rule being dispensed with, the sixth bill was read a second time, and the seventh a second and third time.

The sixth was committed to messrs. Fleming, Bledsoe and Chambers.

*Resolved*, That the seventh bill do pass, and that the clerk inform the house of representatives thereof.

Engrossed bills, to wit: A bill establishing an election precinct in Bourbon county; a bill to explain the fees of sheriffs in certain cases; a bill authorising an addition to the town of Burksville; and a bill authorising the appointment of port wardens for the county of Jefferson; were severally read a third time and the blanks in the latter filled.

*Resolved*, That the said bills do pass, and that the titles be, respectively, "an act establishing an election precinct in Bourbon county; an act to explain the fees of sheriffs in certain cases; an act authorising an addition to the town of Burksville; and an act authorising certain county courts to appoint port wardens, and prescribing their duties."

*Ordered*, That the clerk do carry said bills to the house of representatives, and request their concurrence.

A bill for the benefit of James Caldwell and others, was read a second time and ordered to be engrossed and read a third time.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Johnson—A bill to prescribe the duties of the clerks of the circuit courts in certain cases.

And on the motion of Mr. Bridges—A bill to extend the limits of the town of Perryville, and for other purposes.

*Ordered*, That messrs. Johnson, Southgate, Davidge, Bridges and Thompson be appointed a committee to prepare and bring in the former, and messrs. Bridges, Harrison, Owens and Jones the latter.

And then the senate adjourned.

TUESDAY, JANUARY 19, 1819.

The senate assembled.

The following bills were reported from the several committees to whom they were referred, to wit:

By Mr. Fleming—A bill to amend and reduce into one the several acts authorising the change of venue in civil cases.

By Mr. Bledsoe—A bill appointing commissioners to view a way for a state road from Danville to the Tennessee line, on a direction to intersect the national road from New-Orleans to the Muscle Shoals.

And by Mr. Fleming—A bill from the house of representatives entitled “an act for the benefit of the heirs of Adam Woods, deceased.”

Each with amendments, which being twice read were concurred in.

The two former were ordered to be engrossed as amended and read a third time; and the latter was ordered to be read a third time as amended—which being done accordingly, the question was taken on the passage thereof, and it was resolved in the affirmative—Yeas 21, nays 9.

The yeas and nays being required thereon by messrs. Crutcher and Mason, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Bartlett, Bledsoe, Chambers, Davidson, Eve, Faulkner, Fleming, Ford, Griffin, Harrison, Mason, Owens, Perrin, South, Southgate, Thompson, Taylor, Wood, Worthington and Yancey.

Those who voted in the negative, are, messrs. Churchill, Crutcher, Davidge, Given, Johnson, Jones, Slaughter, Wickliff and Wilson.

*Resolved*, That the said bill do pass, and that the title be amended to read “an act for the benefit of the heirs of Adam Woods and Israel Tally.”

*Ordered*, That the clerk inform the house of representatives thereof, and request their concurrence in the amendments.

The nomination of Marquis Thomas, as sheriff of Montgomery county, was taken up.



*Resolved*, That the senate advise and consent thereto.

*Ordered*, That Mr. Mason acquaint the lieutenant-governor therewith.

The military nominations made on yesterday, were taken up.

*Resolved*, That the senate advise and consent to the said nominations, except to those of Thomas Cook, lieutenant colonel of the 81st regiment, and Richard Graves, major of the same regiment. The former was rejected, and the latter laid on the table.

*Ordered*, That Mr. Chambers acquaint the lieutenant-governor therewith.

On the motion of Mr. Johnson, leave was given him to report a bill to incorporate the Broadway Bridge Company; which was read the first time.

The rule being dispensed with, it was read a second time, and committed to a committee of the whole house on the state of the commonwealth.

A message from the house of representatives, by Mr. Chew :

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act declaring Rough creek a navigable stream;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was then taken up and read the first time; and the question being taken on reading said bill a second time, it was resolved in the negative, and so the said bill was rejected.

*Ordered*, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Todd, their secretary :

*Mr. Speaker*—The house of representatives concur in the amendments proposed by the senate to bills of the following titles, to wit : An act to amend an act entitled an act to amend the several acts concerning the importation and emancipation of slaves, approved February 8, 1818 ; and an act to incorporate the trustees of the Centre College of Kentucky at Danville ; an act for the benefit of Nancy Godby, Patsey Lawrence and others : They concur in the amendment offered by the senate upon concurring in an amendment proposed by the house of representatives to a bill entitled "an act for the relief of Charles Willot, sen. and Patrick Gilmore," with an amendment; and they recede from the amendment



proposed to a bill entitled "an act further to indulge the settlers on the lands acquired by the treaty of Tellico to pay the state price on their claims;" in which amendment they request the concurrence of the senate.

And then he withdrew.

The amendment was taken up and concurred in.

*Ordered*, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Smith :

*Mr. Speaker*—The house of representatives disagree to the amendment proposed by the senate to a bill entitled "an act for the benefit of Charles C. Carson.

And then he withdrew.

The said amendment was taken up and read.

*Resolved*, That the senate recede from said amendment.

*Ordered*, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Todd :

*Mr. Speaker*—The house of representatives concur in the amendments proposed by the senate to bills of the following titles, to wit: An act to provide for the furnishing the circuit courts with a copy of the statute laws; and an act to amend an act concerning certain trespasses on land.

And then he withdrew.

Mr. Crutcher, from the majority whereby a bill to amend the several acts respecting the opening a road from Newcastle to the mouth of Licking, was rejected on yesterday, moved to re-consider the vote; which being resolved in the affirmative,

On motion,

*Ordered*, That the bill be re-committed to messrs. Bledsoe, Southgate, Bartlett, Churchill, Davidge and Thompson.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. South—A bill altering the terms of the circuit courts in the counties of Bath, Greenup and Floyd.

On the motion of Mr. Johnson—A bill to appoint commissioners to view a way for a road from the seat of government to Nashville, in Tennessee.

*Ordered*, That messrs. South, Fleming, Chambers and Mason be appointed a committee to prepare and bring in the former, and messrs. Johnson, Crutcher, Wickliff, Davidge, Ford and Slaughter, the latter.

Engrossed bills, to wit: A bill for the benefit of James Caldwell and others, and a bill further regulating North Middletown, in Bourbon county, were severally read a third time and the blanks therein filled.

The question was taken on the passage of the former bill; it was resolved in the negative, and so the said bill was rejected.

*Resolved*, That the latter bill do pass, and that the title be "an act establishing and regulating certain towns in this commonwealth."

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

Bills from the house of representatives, of the following titles, to wit: 1. An act concerning commonwealth's attorneys; 2. an act to regulate the fees of the justices of the peace of this commonwealth; 3. an act for the benefit of the devisees of John Curd and the heirs of Price Curd; 4. an act authorising Walter Preston to convey certain lands within this commonwealth; 5. an act to prescribe the proceedings against banks and other incorporations that may forfeit their charters; were severally read a second time.

The first, third and fourth were ordered to be read a third time—the fourth having been amended at the clerk's table.

The second was committed to a committee of the whole house on the state of the commonwealth.

And Mr. Johnson moved to strike out the first section of the fifth bill, which was read as follows, to wit:

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That the circuit courts shall have jurisdiction of all questions concerning the forfeiture of a charter by any bank or other company incorporated by the laws of this commonwealth.

And the question being taken thereon, it was resolved in the affirmative—Yeas 17, nays 14.

The yeas and nays being required thereon by messrs. Bledsoe and Perrin, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Bartlett, Bridges, Chambers, Churchill, Crutcher, Eve, Faulkner, Griffin, Harrison, Johnson, Mason, Owens, Slaughter, Southgate, Thompson, Wickliff and Worthington.

Those who voted in the negative, are, Mr. Speaker, and messrs. Bledsoe, Davidge, Davidson, Fleming, Ford, Given, Jones, Perrin, South, Taylor, Wilson, Wood and Yancey.

And so the said bill was rejected.

*Ordered*, That Mr. Johnson inform the house of representatives thereof.

A message from the house of representatives, by Mr. Sharp :

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act to amend the proceedings in civil suits against banks and other corporations ;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up, read the first time, and the question being taken on reading the said bill a second time, it was resolved in the affirmative—Yeas 20, nays 11.

The yeas and nays being required thereon by messrs. Jones and Wilson, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bartlett, Bledsoe, Bridges, Crutcher, Davidge, Davidson, Eve, Fleming, Ford, Griffin, Harrison, Jones, Perrin, South, Taylor, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Chambers, Churchill, Faulkner, Given, Johnson, Mason, Owens, Slaughter, Southgate, Thompson and Wickliff.

A bill providing for a change of venue in the case of David H. Campbell, was read a second time and ordered to be engrossed and read a third time.

And then the senate adjourned.

### WEDNESDAY, JANUARY 20, 1819.

The senate assembled.

The nominations of James A. M'Elroy, as major of the 4th regiment ; Abner Lee, lieutenant colonel of the 73d regiment ; and James Hollinhead, major of the same regiment ; were taken up.

*Resolved*, That the senate advise and consent to the said nominations.

*Ordered*, That Mr. Wickliff acquaint the lieutenant-governor of the former, and Mr. Yancey of the two latter.

Mr. Southgate, from the majority whereby an engrossed bill for the benefit of James Caldwell and others, was rejected on yesterday, moved to reconsider the vote, and it was resolved in the affirmative ; and on motion the bill was laid on the table.

Mr. Mason presented the petition of sundry citizens of the town of Mountsterling, praying that a law may pass curtailing the bounds of said town.

Which was read and referred to Messrs. Mason, South, Fleming, Taylor and Bledsoe, with leave to report by bill or otherwise.

A message from the house of representatives, by Mr. Underwood:

*Mr. Speaker*—The house of representatives concur in the amendments proposed by the senate to a bill entitled "an act for the benefit of the heirs of Adam Woods, deceased."

And then he withdrew.

Mr. Johnson, from the select committee to whom was referred a bill from the house of representatives, entitled "an act for the erection of a new county out of the counties of Logan, Warren and Allen, reported the same with amendments, which being twice read were concurred in, and the bill as amended was read a third time.

*Resolved*, That the said bill as amended do pass.

*Ordered*, That Mr. Johnson inform the house of representatives thereof, and request their concurrence in the amendments.

An engrossed bill for the benefit of the heirs of John Marshall, deceased, was read a third time.

*Resolved*, That the said bill do pass, and that the title be "an act for the benefit of the heirs of John Marshall and others."

*Ordered*, That the clerk do carry the said bill to the house of representatives, and request their concurrence.

A message from the house of representatives, by Mr. Pope:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to alter the mode of taking in lists of taxable property;" in which they request the concurrence of the senate.

And then he withdrew.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Given in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Given reported, that the committee had according to order taken into consideration a bill from the house of representatives, entitled "an act imposing a tax on all banking houses not incorporated by this commonwealth," and had



gone through the same without amendment, which he handed in at the clerk's table.

Mr. Fleming moved to strike out "60,000;" and the question being taken thereon, it was resolved in the affirmative—Yeas 16, nays 15.

The yeas and nays being required thereon by messrs. Fleming and Crutcher, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Churchill, Davidge, Davidson, Eve, Fleming, Johnson, Jones, Perrin, South, Taylor, Thompson, Wood and Yancey.

Those who voted in the negative, are, messrs. Bartlett, Bridges, Crutcher, Faulkner, Ford, Given, Griffin, Harrison, Mason, Owens, Slaughter, Southgate, Wickliff, Wilson and Worthington.

Mr. Wickliff then moved to fill the blank with \$100,000, and it was resolved in the negative—Yeas 8, nays 23.

The yeas and nays being required thereon by messrs. Southgate and Wickliff, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Crutcher, Harrison, Mason, Owens, Slaughter, Wickliff, Wilson and Worthington.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Churchill, Davidge, Davidson, Eve, Faulkner, Fleming, Ford, Given, Griffin, Johnson, Jones, Perrin, South, Southgate, Taylor, Thompson, Wood and Yancey.

Mr. Wood, from the majority, then moved to re-consider the vote just taken on striking out the sum of \$60,000; and the question being taken thereon, it was resolved in the affirmative—Yeas 18, nays 14.

The yeas and nays being required thereon by messrs. Crutcher and Fleming, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Bartlett, Bridges, Chambers, Crutcher, Faulkner, Ford, Given, Griffin, Harrison, Mason, Owens, Slaughter, Southgate, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Barry, Bledsoe, Churchill, Davidge, Davidson, Eve, Fleming, Johnson, Jones, Perrin, South, Taylor and Thompson.

Mr. Barry then moved to amend the bill, by adding thereto an additional section, to wit:

*Be it further enacted,* That the sergeant of the court of appeals, before he enters on the performance of the duties en-



joined upon him by this act, shall execute bond in the clerk's office of the court of appeals, with sufficient security or securities, in the penalty of \$120,000, conditioned for the faithful discharge of the duties hereby enjoined, and for the payment of any sum or sums of money collected in virtue of this act, into the public treasury of this commonwealth; which bond may be sued on, and a recovery thereon had as on bonds executed by sheriffs of this commonwealth; which security or securities shall be approved of by said clerk.

And the question being taken thereon, it was resolved in the negative—Yeas 15, nays 17.

The yeas and nays being required thereon by Messrs. Barry and Churchill, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Bledsoe, Churchill, Davidge, Davidson, Eve, Johnson, Jones, South, Southgate, Taylor, Thompson, Wood and Yancey.

Those who voted in the negative, are, Messrs. Bartlett, Bridges, Chambers, Crutcher, Faulkner, Fleming, Ford, Given, Griffin, Harrison, Mason, Owens, Perrin, Slaughter, Wickliff, Wilson and Worthington.

And so the said amendment was rejected.

Messrs. Churchill and Davidge gave notice that they would call for the yeas and nays on the question for reading the bill a third time.

And then the senate adjourned.

#### THURSDAY, JANUARY 21, 1819.

The senate assembled.

A message from the house of representatives, by Mr. A. Butler:

*Mr. Speaker*—The house of representatives concur in the amendments proposed by the senate to a bill entitled "an act for the erection of a new county out of the counties of Logan, Warren and Allen.

And then he withdrew.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Davidge—A bill directing the clerk of Mason county to transcribe a certain record book.

By Mr. Mason—A bill curtailing the limits of the town of Mountsterling.

Which were severally read the first time; and the rule being dispensed with, the latter was read a second and third time (having been engrossed).

*Resolved.* That the said bill do pass, and that the title be "an act curtailing the limits of the town of Mountsterling."

*Ordered,* That Mr. Mason do carry the said bill to the house of representatives, and request their concurrence.

A message from the house of representatives, by Mr. Sharp:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act for the benefit of Alisana Brown;" in which they request the concurrence of the senate.

And then he withdrew.

An engrossed bill for the benefit of James Caldwell and others, was taken up and committed to the committee for courts of justice.

Mr. Faulkner, from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit: An act to incorporate the trustees of the Centre College of Kentucky, at Danville; an act for the benefit of Nancy Godby, Patsey Lawrence and others; an act for the benefit of Charles C. Carson; an act to amend an act entitled "an act to amend an act concerning the importation and emancipation of slaves," approved February 8, 1815; an act for the benefit of the heirs of Adam Wood and Israel Tully; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Todd:

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being the same just reported by Mr. Faulkner, and they were delivered to the joint committee, to be presented to the lieutenant-governor for his approbation.

A message from the house of representatives, by Mr. Hunter:

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills of the following titles, to wit: An act to provide for furnishing the circuit courts with a copy of the statute laws; an act to amend an act concerning certain trespasses on land; an act for the benefit of Daniel and Anthony Owsley, Samuel Ross and Jacob Ryer; an act for the benefit of Edward Maxey and John Walden and

an act for the benefit of John Woods, of Mercer county; I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, and they were delivered to the joint committee, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Chambers, from the committee, reported that they had performed that duty.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Worthington—A bill authorising the county court of Muhlenburg to dispose of a part of the public ground in Greenville.

On the motion of Mr. Fleming—A bill to amend an act entitled "an act to amend an act entitled an act concerning occupant claimants of land.

And on the motion of Mr. Crutcher—A bill to extend the March and June terms of the Hardin circuit court.

Ordered, That messrs. Worthington, Wilson, Davidge, Slaughter and Bridges be appointed a committee to prepare and bring in the first; messrs. Fleming, Bledsoe, Barry, Bridges, Owens and Johnson, the second; and messrs. Crutcher, Churchill, Johnson and Wickliff, the third.

An engrossed bill entitled "an act concerning the duties of the register of the land-office," with the amendments proposed thereto, was taken up and concurred in with amendments, and the bill as amended ordered to be re-engrossed and read again.

Mr. Johnson, from the select committee to whom was referred a bill to establish a new judicial district, reported the same without amendment.

Mr. Wickliff moved to lay the bill on the table until the 10th day of March next; and the question being taken thereon, it was resolved in the affirmative—Yeas 16, nays 15.

The yeas and nays being required thereon by messrs. Crutcher and Wickliff, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Bartlett, Chambers, Faulkner, Fleming, Ford, Given, Griffin, Harrison, Mason, Owens, Perrin, South, Thompson, Wickliff, Wilson and Worthington.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Bridges, Churchill, Crutcher, Davidge, Eve, Johnson, Jones, Slaughter, Southgate, Taylor, Wood and Yancey.

A bill from the house of representatives, entitled "an act to extend the term of the Christian circuit court, and to alter the time of holding the Logan circuit court, and for other purposes," was taken up, and the amendments were concurred in, and ordered to be laid on the table.

A bill from the house of representatives, entitled "an act imposing a tax on all banking houses not incorporated by this commonwealth," was taken up.

Mr. Yancey moved to lay it on the table; and the question being taken thereon, it was resolved in the negative—Yeas 16, nays 16.

The yeas and nays being required thereon by messrs. Griffin and Harrison, were as follows, to wit.

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Churchill, Crutcher, Davidson, Eve, Given, Johnson, Jones, Perrin, South, Taylor, Thompson, Wood and Yancey.

Those who voted in the negative, are, messrs. Bartlett, Bridges, Chambers, Davidge, Faulkner, Fleming, Ford, Griffin, Harrison, Mason, Owens, Slaughter, Southgate, Wickliff, Wilson and Worthington.

The vote being equal, the speaker declared the motion negatived.

Mr. Johnson then moved the following amendment in lieu of the bill, to wit:

Whereas the United States' Bank has established in this state two branches, or offices of discount and deposite, one in Louisville and the other in Lexington; and whereas the legislature, at their last session, taxed the said branches after the same rate which she had taxed the institutions of the like kind incorporated by her acts; and whereas the said branches have refused payment of said tax: For remedy whereof,

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky,* That it shall be the duty of the sheriffs of the respective counties of Jefferson and Fayette, to collect and receive the tax imposed by the said act, for the past and succeeding years; and if the payment thereof shall be delayed until after the 10th day of April in any year, it shall be the duty of the said officers, in their respective counties, to distrain the goods, chattels and credits and money of the said offices of discount and deposite, sufficient to satisfy and discharge the said tax and the costs of distress and sale; and the said officers shall have the same power, be guided by the same laws and regulations in disposing of any goods, chat-



tels and credits distrained as aforesaid, as are now in force respecting other distresses for revenue.

§ 2. *Be it further enacted*, That the said sheriffs shall account for and pay the taxes which they are hereby directed and authorised to collect, into the public treasury of this state, under the same rules and regulations now in force upon that subject, and be liable, himself and his securities, to the same proceedings as relates to the other revenues of the state.

And the question being taken thereon, it was resolved in the negative—Yeas 7, nays 25.

The yeas and nays being required thereon by messrs. Barry and Johnson, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Churchill, Eve, Johnson, Taylor and Thompson.

Those who voted in the negative, are, messrs. Bartlett, Bridges, Chambers, Crutcher, Davidge, Davidson, Faulkner, Fleming, Ford, Given, Griffin, Harrison, Jones, Mason, Owens, Perrin, Slaughter, South, Southgate, Wickliff, Wilson, Wood, Worthington and Yancey.

And so the amendment was rejected.

Mr. Fleming then moved to strike out \$ 60,000, and insert \$ 10,000.

A division of the question was then made, and the question taken on striking out the \$ 60,000, and it was resolved in the negative—Yeas 13, nays 19.

The yeas and nays being required thereon by messrs. Crutcher and Harrison, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Churchill, Davidge, Davidson, Eve, Fleming, Johnson, Jones, Perrin, South, Taylor and Thompson.

Those who voted in the negative, are, messrs. Bartlett, Bledsoe, Bridges, Chambers, Crutcher, Faulkner, Ford, Given, Griffin, Harrison, Mason, Owens, Slaughter, Southgate, Wickliff, Wilson, Wood, Worthington and Yancey.

And so the said amendment was rejected.

The question was then taken on reading the bill a third time, and it was resolved in the affirmative—Yeas 23, nays 9.

The yeas and nays being required thereon by messrs. Davidge and Churchill, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Bartlett, Bridges, Chambers, Crutcher, Davidge, Eve, Faulkner, Ford, Given, Griffin, Harrison, Mason, Owens, Perrin,



Slaughter, South, Southgate, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Churchill, Davidson, Fleming, Johnson, Jones and Taylor.

A message from the house of representatives, by Mr. Parsons :

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act for the division of Knox county ;” in which they request the concurrence of the senate.

And then he withdrew.

And then the senate adjourned.

#### FRIDAY, JANUARY 22, 1819.

The senate assembled.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit :

By Mr. Davidge—A bill to incorporate the Eddyville Steam-Mill Company.

By Mr. Worthington—A bill authorising the county court of Muhlenburg to dispose of part of their public ground.

By Mr. Johnson—A bill for opening a road from Frankfort to Nashville.

And by Mr. Owens—A bill concerning the Kentucky Seminary.

Which were severally read the first time and ordered to be read a second time ; and the rule being dispensed with, the latter bill was read a second time and committed to a committee of the whole house on the state of the commonwealth.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Crutcher—A bill to amend the several acts concerning the penitentiary.

And on the motion of Mr. Wickliff—A bill to authorise the county court of Nelson to build a permanent bridge across Salt river, at the mouth of Ashe’s creek.

*Ordered*, That messrs. Crutcher, Bledsoe, Wickliff, Davidge, Southgate and Barry be appointed a committee to prepare and bring in the former ; and messrs. Wickliff, Ford and Churchill, the latter.

A bill from the house of representatives, entitled “an act imposing a tax on all banking houses not incorporated by this commonwealth,” was read a third time.

Mr. Johnson moved the following resolution, to wit :

*Resolved*, That the bill imposing a tax on all banking houses not incorporated by this commonwealth, be committed to a committee of seven members, with instructions to amend the said bill by expunging from it that part by which the officer is authorised to break and enter doors, vaults, &c. without a refusal first made to pay the revenue required.

And 2dly, to expunge from the said bill the sum of sixty thousand dollars, and report the same blank, to be filled by a vote of the house.

And 3dly, to add to the said bill a clause requiring of the sergeant of the court of appeals to execute bond and security in the auditor's office, for the faithful performance of the duties required by the said act.

And 4th, to lay the tax on the branch banks of the United States in this state, instead of the persons who established the same.

5th, To confine the operations of said bill to the offices of discount and deposite of the United States' branch banks established in this state.

And the question being taken thereon, it was resolved in the negative—Yeas 15, nays 17.

The yeas and nays being required thereon by messrs. Johnson and Wood, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Churchill, Davidson, Eye, Fleming, Johnson, Jones, Perrin, South, Taylor, Thompson, Wood and Yancey.

Those who voted in the negative, are, messrs. Bartlett, Bridges, Chambers, Crutcher, Davidge, Faulkner, Ford, Given, Griffin, Harrison, Mason, Owens, Slaughter, Southgate, Wickliff, Wilson and Worthington.

And so the said resolution was rejected.

The question was then taken on the passage of the bill, and it was resolved in the affirmative—Yeas 20, nays 12.

The yeas and nays being required thereon by messrs. Crutcher and Churchill, were as follows, to wit :

Those who voted in the affirmative, are, messrs. Bartlett, Bridges, Chambers, Crutcher, Davidge, Faulkner, Ford, Given, Griffin, Harrison, Mason, Owens, Slaughter, South, Southgate, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Churchill, Davidson, Eye, Fleming, Johnson, Jones, Perrin, Taylor and Thompson.

*Resolved*, That the said bill do pass, and that Mr. Wickliff inform the house of representatives thereof.

And then the senate adjourned.

SATURDAY, JANUARY 23, 1819.

The senate assembled.

Mr. Davidge presented the memorial of Butler and Wood, book-binders, of Frankfort, proposing to bind the laws and journals of the present session, and praying that the price for binding the acts may be increased to thirty cents.

Which was read and referred to the committee of propositions and grievances.

The nomination of Richard Bennett, as lieutenant colonel of the 92d regiment, was taken up; and Mr. Davidge, from the committee to whom the nomination was referred, made the following report, to wit:

The select committee to whom was referred the nomination of Richard Bennett, as lieutenant colonel of the 92d regiment of the Kentucky militia, in the place of Jacob Ellison, resigned, have according to order had the same under consideration, and after the examination of sundry persons relative to the qualifications of the said Richard Bennett to fill the office of lieutenant colonel of said regiment, from which it seems to your committee that the said Richard Bennett is a man of good moral demeanor; that he is a good soldier, and prompt in the discharge of his duty as an officer, to the extent of his ability; yet that he is not qualified to discharge the duties of a field officer, or of a lieutenant colonel, owing to his want of knowledge in the military art or science; and as a competent knowledge of military tactics, is, in the opinion of your committee, indispensable in a field officer: Wherefore,

*Resolved*, That the senate do not advise and consent to the commissioning the said Richard Bennett, agreeably to said nomination.

Which being twice read was amended by striking out the preamble and the word "not" in the resolution.

The resolution was then concurred in as amended.

The nomination of Christopher Lillard, as major of the same regiment, was also taken up.

*Resolved*, That the senate advise and consent to the said nomination.

*Ordered*, That Mr. Ford acquaint the lieutenant-governor with the former, and Mr. Davidge the latter.

Mr. Wickliff, from the joint committee appointed to examine and report the state of the Bank of Kentucky and its branches, made the following report, to wit:

THE joint committee raised to examine the state of the Bank of Kentucky and its branches, and to inquire into the causes which led to the late suspension and resumption of specie payments, have concluded the duty assigned them, and report as follows:

The capital of the institution is \$2,756,220

The capital is distributed in the following proportions, to-wit:

Bank of Kentucky,	-	-	-	-	650,220
Washington branch,	-	-	-	-	250,000
Paris do.	-	-	-	-	160,000
Winchester do.	-	-	-	-	120,000
Lexington do.	-	-	-	-	300,000
Richmond do.	-	-	-	-	120,000
Danville do.	-	-	-	-	150,000
Springfield do.	-	-	-	-	100,000
Bardstown do.	-	-	-	-	120,000
Shelbyville do.	-	-	-	-	110,000
Louisville do.	-	-	-	-	316,000
Glasgow do.	-	-	-	-	100,000
Russellville do.	-	-	-	-	140,000
Hopkinsville do.	-	-	-	-	120,000

The aggregate amount of notes in circulation at present is

-	-	-	-	1,365,471	35
Total amount of deposits,	-	-	-	902,243	30
Debts due the institution,	-	-	-	4,403,165	38
Cash on hand,	-	-	-	764,928	36

Notes on the Bank of Kentucky or its branches included in and reported as cash, and also reported as notes in circulation,

110,124 14

Amount of specie and notes, other than those on the Bank of Kentucky or its branches,

654,804 02

Amount of specie in the vaults of the institution,

533,550 16

Amount of notes on other banks,

121,254 06

The committee thought proper to ascertain the average profits made by the Bank of Kentucky and its several branches, for the last four years. The following is the result of the inquiry:

The Bank of Ky. averaged rather more than 9 per cent.

The Russellville branch, about - 10

The Lexington branch, about -  $11\frac{1}{2}$

And if a reserved profit, not yet divided, were included, it would be about 13

The Louisville branch, -  $11\frac{1}{2}$



The Washington branch,	-	-	9
The Danville branch, nearly	-	-	9
The Paris branch,	-	-	11
The Bardstown branch,	-	-	11
The Winchester branch,	-	-	8½
The Richmond branch,	-	-	8½
The Hopkinsville branch,	-	-	9½
The Shelbyville branch,	-	-	9½
The Springfield branch,	-	-	9½
The Glasgow branch,	-	-	10

But the committee were informed by the president of the bank, that no certain inference could be drawn from the above statement with respect to the profits afforded by bank capital in any of the situations where the funds of the Bank of Kentucky are employed; because, although the capital of each branch is established by order of the Bank of Kentucky, yet there are balances, and at times large amounts due by one establishment to another, so that at no time is any one operating precisely with its own capital. However, the subjoined statement, showing the amount of capital in the Bank of Kentucky and its branches, for the four last years, and the profits made by each in the several years, will furnish the best data to enable the legislature to judge of the relative advantages which different situations possess for the employment of bank capital.

It is with regret, that the committee observe, that the branches of the Bank of Kentucky located at Lexington and Louisville, which usually made larger profits in proportion to their capitals than any other branches of the institution, during the last year did not make as much in proportion to their capitals as many of the branches heretofore considerably behind them in extent of profit.

The statement received from the president of the Bank of Kentucky by the committee, and heretofore reported as setting forth the causes which led to the suspension and resumption of specie payments by the Bank of Kentucky and its branches, was considered objectionable by the cashier of the office of discount and deposite of the United States' bank at Lexington, as the committee have been informed, on account of an alleged variance between the agreement entered into by the said cashier for the said office, and Charles Wilkins for the Bank of Kentucky, and the statement received from the president of the Bank of Kentucky. In justice to the parties concerned, the committee subjoin a copy of the agree-



ment, from which it will appear how far the statement received has varied from, or omitted to state the particulars of the agreement. Your committee are informed that on the 26th of October 1818, the cashier of the office of discount and deposit of the United States' bank at Lexington, gave notice to the cashier of the Bank of Kentucky, that payment would be required of the balance on interest due that office, at the expiration of thirty days. The agreement by C. Wilkins, on behalf of the bank of Kentucky, and E. Salomon, cashier, on the behalf of the office of discount and deposit at Lexington, bears date on the 24th November, but was ratified by the Bank of Kentucky on the 25th of November, and not the 24th, when the agreement bears date. The notice of the 26th October above mentioned, expiring on the same day of the ratification of the agreement, the time when payments were to be made, either under the notice or agreement, was understood by the Bank of Kentucky as the same.

MARTIN H. WICKLIFF,	} <i>Senate.</i>
JAS. CRUTCHER,	
SAMUEL CHURCHILL,	
J. R. UNDERWOOD,	
SOLOMON P. SHARP,	} <i>House of Rep's.</i>
SAML. M'KEE,	
EDWD. WORTHINGTON,	
JOSEPH BARNETT,	
WILLIS FIELD,	

## A STATEMENT.

*Showing the amount of Capital in the Bank of Kentucky and its branches for the four last years, and the profits made by each in the several years.*

	1815.		1816.		1817.		1818.	
	<i>Capital, in June.</i>	<i>Profits.</i>	<i>Capital, in June.</i>	<i>Profits.</i>	<i>Capital, in June.</i>	<i>Profits.</i>	<i>Capital, in June.</i>	<i>Profits.</i>
Bank of Kentucky.	416,455	42,997 07	317,015	37,755 64	429,760	34,494 34	639,813	45,606 13
Russellville branch	134,000	10,470 99	136,000	16,040 53	136,000	14,287 55	140,000	14,238 48
Lexington     ,,	200,000	34,082 34	300,000	29,299 99	300,000	36,068 85	300,000	23,443 47
Louisville     ,,	106,000	14,482 16	200,000	27,365 54	298,350	30,988 41	316,407	25,187 21
Washington     ,,	200,000	17,096 79	250,000	23,716 64	250,000	26,920 86	250,000	19,693 69
Danville       ,,	110,000	5,476 82	110,000	11,608 20	140,000	11,842 64	150,000	10,195 43
Paris           ,,	110,000	6,964 12	110,000	13,869 60	150,000	14,674 43	160,000	13,892 61
Bardstown     ,,	110,000	7,159 87	110,000	12,355 32	110,000	11,143 23	120,000	10,966 66
Winchester     ,,			100,000	4,773 84	100,000	9,487 97	120,000	8,832 97
Richmond       ,,			100,000	4,011 30	120,000	11,284 58	120,000	8,982 85
Hopkinsville   ,,			100,000	5,000	120,000	11,009 99	120,000	10,593 85
Shelbyville    ,,			100,000	5,318 03	100,000	10,202 03	110,000	8,158 76
Springfield    ,,					100,000	4,926	100,000	8,950 48
Glasgow         ,,					100,000	5,741 64	100,000	9,638 11

LEXINGTON, 24th Nov. 1818.

The conditions upon which the Bank of Kentucky and its branches will resume specie payments, are as follows, viz.

That for the balances now due to the office of discount and deposite B. U. S. at Lexington, they shall be indulged in payment by instalments of ten per cent. every sixty days, one half in specie and the other half in drafts on Boston, N. York, Philad'a. or Baltimore, at 60 & 90 days date, until the whole amount be discharged—one of said instalments to be paid immediately.

That for the amount of notes of the Bank of Ky. and its branches, now held by the said office, say \$81,626, they are immediately to pay one half in specie and the other half in drafts on Boston, N. York, Philad'a. or Baltimore, at not exceeding 60 & 90 days date.

CHA. WILKINS, *for the Bank of Ky.*

E. SALOMON, *cash'r. for the pres't. & directors of the off. D. & D. B. U. States at Lexington.*

The above is a copy of the agreement entered into by Cha. Wilkins, on behalf of the Bank of Kentucky, and E. Salomon, cash'r. on behalf of the pres't. & directors off. dis. & dep. B. U. S. Lexington, on 24th Nov. 1818.

H. BLANTON, *Cpk. Bank of Ky.*

Which was read and laid on the table.

*Ordered.* That the public printers forthwith print 200 copies of said report, for the use of the members of the senate.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Wilson in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wilson reported, that the committee had according to order taken into consideration a bill to amend the act establishing independent banks in this commonwealth, and had made some progress therein, but not having time to go through the same, had instructed him to ask for leave to sit again.

Bills from the house of representatives, of the following titles, to wit: 1. An act authorising Walter Preston to convey certain lands within this commonwealth; an act for the benefit of the devisees of John Curd and the heirs of Price Curd; an act for the benefit of Alisanna Brown; and an act for the division of Knox county; were severally read, the first and second a third time, and the third and fourth the first time.

The first was ordered to be laid on the table, and the third to be read a second time.

The rule being dispensed with, the fourth was read a second and third time.

*Resolved*, That the second and fourth bills do pass, and that the clerk inform the house of representatives thereof.

Engrossed bills, to wit: A bill concerning the duties of the register of the land-office; a bill to amend and reduce into one the several acts authorising the change of venue in civil cases; and a bill providing for a change of venue in the case of David H. Campbell; were severally read a third time.

The question being taken on the passage of the latter, it was resolved in the affirmative—Yeas 16, nays 6.

The yeas and nays being required thereon by messrs. Ford and Crutcher, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Barry, Bartlett, Bledsoe, Churchill, Crutcher, Davidson, Eve, Given, Griffin, Harrison, Owens, Slaughter, Taylor, Thompson, Wood and Worthington.

Those who voted in the negative, are, messrs. Ford, Jones, Perrin, South, Wickliff and Yancey.

*Resolved*, That the said bills do pass, and that the titles be, respectively, "an act concerning the duties of the register of the land-office; an act to amend and reduce into one the several acts authorising the change of venue in civil cases; and an act providing for a change of venue in the case of David H. Campbell."

*Ordered*, That Mr. Johnson do carry the former, and the clerk the two latter bills to the house of representatives and request their concurrence.

A bill authorising the county court of Muhlenburg to dispose of part of their public ground, and a bill to incorporate the Eddyville Steam-Mill Company, were severally read a second time, and the latter was ordered to be engrossed and read a third time.

The rule being dispensed with, the former bill (having been engrossed) was read a third time.

*Resolved*, That the said bill do pass, and that the title be "an act authorising the county court of Muhlenburg to dispose of part of their public ground."

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

A message from the house of representatives, by Mr. Baylor:



*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to amend the laws incorporating independent banks;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time; and the question being taken on reading the said bill a second time, it was resolved in the affirmative—Yeas 27, nays 3.

The yeas and nays being required thereon by messrs. Bledsoe and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Crutcher, Davidge, Davidson, Eve, Fleming, Ford, Given, Griffin, Harrison, Jones, Mason, Perrin, Slaughter, South, Southgate, Taylor, Thompson, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, messrs. Churchill, Owens and Wickliff.

The rule being dispensed with, the said bill was read a second time, and committed to a committee of the whole house on the state of the commonwealth for Wednesday next.

*Ordered*, That the public printers forthwith print 150 copies of said bill for the use of the members of the senate.

A message from the house of representatives, by Mr. Hanson:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to alter the terms of the Clarke and Estill circuit and county courts;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time; and the rule being dispensed with, it was read a second time and ordered to be read a third time.

On the motion of Mr. Fleming, leave was given to bring in a bill to procure philosophical and chemical apparatus for the Transylvania University; and messrs. Johnson, Fleming, Bledsoe, Barry and Taylor were appointed a committee to prepare and bring in the same.

A bill from the house of representatives, entitled "an act to extend the term of the Christian circuit court, and to alter the time of holding the Logan circuit court, and for other purposes," was taken up and committed to messrs. Churchill, Given, Harrison, Owens, Wickliff, Bridges, Crutcher and Davidge.

And then the senate adjourned.



MONDAY, JANUARY 25, 1819.

The senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined sundry enrolled bills and an enrolled resolution of the following titles, to wit: An act to incorporate the Bowling-Green Bridge Company; an act to release the state's claim to salt water in certain cases; an act for the relief of Charles Willot, sen. Patrick Gilmore and others; an act further to indulge the settlers on the lands acquired by the treaty of Tellico to pay the state price on their claims; and a memorial and resolution respecting Christopher Miller; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Beall:

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills and an enrolled memorial and resolution, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills and resolution, being the same just reported by Mr. Yancey, and they were delivered to the joint committee, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Yancey, from said committee, reported that they had performed that duty.

Mr. Southgate presented the petition of James Williams, of Pendleton county, representing that in 1806, in assisting to clear out the road from Frankfort to Augusta, he was crippled, and it was the cause of one of his legs being amputated; that he is poor, has a rising family, and is unable to support them; and praying that the legislature may make some provision for him.

Which was read and referred to messrs. Southgate, Perrin, Chambers, Thompson, Taylor and Owens, with leave to report by bill or otherwise.

And after a short time, Mr. Southgate, from the committee, reported a bill for the benefit of the petitioner; which was read the first time.

The rule being dispensed with, it was read a second and third time (it having been engrossed).

*Resolved*, That the said bill do pass, and that the title be "an act for the benefit of James Williams."

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

A message from the house of representatives, by Mr. Dollerhide :

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act for the benefit of Thomas Hancock, of Pulaski county ;” in which they request the concurrence of the senate.

And then he withdrew.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit :

By Mr. South—A bill altering the terms of the circuit courts of Bath, Floyd and Greenup counties.

And by Mr. Fleming—A bill to amend an act entitled “an act to amend an act entitled an act concerning occupying claimants of land.”

Which were severally read the first time ; and the rule being dispensed with, they were read a second time and ordered to be engrossed and read a third time.

Mr. Harrison, from the select committee to whom was referred a bill from the house of representatives, entitled “an act to extend the term of the Christian circuit court, and to alter the time of holding the Logan circuit court, and for other purposes,” reported the same with an amendment, which being read was concurred in.

*Resolved*, That the said bill as amended do pass, and that the title be amended to read “an act to extend and alter the terms of certain circuit courts.”

*Ordered*, That the clerk inform the house of representatives thereof, and request their concurrence in the amendments.

On the motion of Mr. Johnson, leave was given him to bring in a bill to authorise the trustees of Bowling-Green to lay an additional tax ; and Messrs. Johnson, Slaughter and Owens were appointed a committee to prepare and bring in the same.

Mr. Wickliff read and laid on the table the following resolution, to wit :

*Resolved by the general assembly of the commonwealth of Kentucky*, That when they adjourn on Saturday the 6th of February, they will adjourn *sine die*.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Chambers in the chair ; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Chambers reported, that the committee had according to order had under consideration a bill to amend the laws regulating public roads, and a bill to amend the law concerning the publication of advertisements, and had gone

through the same, with an amendment to the latter: Also, that they had taken into consideration a bill from the house of representatives, entitled "an act to regulate the fees of the justices of the peace of this commonwealth," and had made some progress therein, but not having time to go through the same, had instructed him to ask for leave to sit again.

On motion,

The two former bills were ordered to be laid on the table until the first day of March next.

The senate received information from the lieutenant governor, by Mr. Waggener, that he did on to-day approve and sign sundry enrolled bills, and an enrolled memorial and resolution, which originated in the senate, of the following titles, to wit: An act to incorporate the Bowling-Green Bridge Company; an act further to indulge the settlers on the lands acquired by the treaty of Tellico to pay the state price on their claims; an act for the relief of Charles Willot, sen. Patrick Gilmore and others; an act to release the state's claim to salt water in certain cases; a memorial and resolution respecting Christopher Miller.

Ordered, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Williams:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to amend an act entitled an act authorising certain justices of the county courts to award injunctions, writs of *ne exeat* and *habeas corpus*;" in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Dofferhide:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act giving further time to settlers on the lands acquired by the treaty of Tellico to return plats and certificates of survey;" in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Lackey:

*Mr. Speaker*—The house of representatives have passed bills of the following titles: An act to declare Sandy river a navigable Stream, and an act to amend an act regulating the town of Prestonsburg, in Floyd county; in which they request the concurrence of the senate.

And then he withdrew.

Mr. Owens, from the joint committee appointed to examine and report the state of the auditor's office, made the following report, to wit :

The joint committee of the senate and house of representatives, appointed to examine the auditor's office, have performed that service. They have with care and great labor examined the evidence in support of each charge reared against the state, in the year ending the 10th November 1818, and find the charges supported by legal evidence ; they also find that the receipts correspond with the books of the treasury. They have also compared the general accounts, as stated on the auditor's books, with his report made to the legislature on the 6th day of the present session, and they find a perfect correspondence between the books and the report ; they therefore deem it unnecessary to accompany the report with a detailed statement, as it would be but a repetition of the auditor's report. The committee are not only satisfied, but highly pleased with the system and general plan of keeping the public accounts, as well as the accuracy and excellent manner in which they are kept.

It appears to your committee that two of the commissioners appointed by the Fayette county court, for taking in lists of taxable property for the year 1817, failed to perform their duty, and that lists of persons and property within the bounds of said companies have not been taken at all for the aforesaid year. To provide for its collection, your committee beg leave to introduce a bill for that object.

*From the Senate,*

WILLIAM OWENS,  
HUMPHREY JONES,  
JOSEPHUS PERRIN,  
JAMES FORD,  
DAVID THOMSON.

*From the House of Representatives,*

JOSEPH TAYLOR,  
JAMES BREA THITT,  
JOSEPH BARNETT,  
JAMES LOVE,  
ADIN COOMBS,  
HENRY RENICK,  
JOHN MERCER,  
W. B. CHINN,  
J. S. M'GOWEN,  
ALEXANDER LACKEY,  
G. BERRY.

Which was read and laid on the table.

Mr. Owens, from the same committee, reported a bill providing for the collection of part of the revenue of Fayette

county, for the year 1817; which was received and read the first time and ordered to be read a second time.

A bill from the house of representatives, entitled "an act to alter the terms of the Clarke and Estill circuit and county courts," was taken up; and Mr. Jones moved an amendment in lieu of the bill, which being read was with the bill committed to the committee for courts of justice.

A message from the house of representatives, by Mr. J. T. Johnson:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to regulate certain towns in this commonwealth;" in which they request the concurrence of the senate.

And then he withdrew.

And then the senate adjourned.

#### TUESDAY, JANUARY 26, 1819.

The senate assembled.

A message from the house of representatives, by Mr. Renick:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act for the erection of the county of Hart, out of the counties of Barren and Hardin;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time; and the rule being dispensed with, it was read a second and third time.

*Resolved*, That the said bill do pass, and that Mr. Crutcher inform the house of representatives thereof.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit: An act imposing a tax on all banking houses not incorporated by this commonwealth; an act for the erection of a new county out of the counties of Logan, Warren and Allen; and had found the same truly enrolled.

A message from the house of representatives, by Mr. J. Johnston:

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.



Whereupon the speaker signed the said bills, being the same just reported by Mr. Yancey, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Yancey, from said committee, reported that they had performed that duty.

A message from the house of representatives, by Mr. Underwood:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to repeal the act of the 23d January 1818, relative to Morgantown;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was read the first time and ordered to be read a second time.

Mr. Bledsoe from the select committee to whom was referred a bill to amend the several acts respecting the opening a road from New-Castle to the mouth of Licking, reported the same without amendment.

*Ordered*, That the bill be laid on the table until the first day of March next.

A message from the house of representatives, by Mr. Hardin:

*Mr. Speaker*—The house of representatives have passed bills of the following titles: An act for the benefit of John P. Thomas, late treasurer; an act to authorise the sale of the donation lands of Salem academy; and an act for the benefit of Conrad Baker, of Casey county; in which they request the concurrence of the senate.

And then he withdrew.

The said bills were severally taken up and read the first time; and the rule being dispensed with, they were severally read a second time, and the third bill a third time.

The first was ordered to be read a third time, and the second was committed to Messrs. Wickliff, Harrison, Given, Ford and Crutcher.

*Resolved*, That the third bill do pass, and that Mr. Griffin inform the house of representatives thereof.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Wickliff—A bill to authorise the county court of Nelson to build a permanent bridge across Salt river at the mouth of Ashe's creek.

By Mr. Bridges—A bill to extend the limits of the town of Perryville.

By Mr. Fleming—A bill to amend an act entitled an act to reduce into one the several acts concerning mill-dams and other obstructions in water courses.

And leave was given Mr. Bartlett, to report a bill authorising a lottery for the purpose of opening a road from New-Castle to the mouth of Licking.

Which bills were severally read the first time.

The rule being dispensed with, they were severally read a second time; the first and second (having been engrossed) were read a third time; the third was amended at the clerk's table and ordered to be engrossed and read a third time; and the fourth was committed to messrs. Bledsoe, Bartlett, Southgate, Perrin and Thompson.

*Resolved*, That the first and second bills do pass, and that the titles be, respectively, "an act to authorise the county court of Nelson to build a permanent bridge across Salt river, at the mouth of Ashe's creek," and "an act to extend the limits of the town of Perryville."

*Ordered*, That Mr. Wickliff do carry the former, and the clerk the latter, to the house of representatives and request their concurrence.

On the motion of Mr. Owens, leave was given to bring in a bill to amend the several acts concerning the distribution of the laws; and messrs. Owens, Bridges and Yancey were appointed a committee to prepare and bring in the same.

And after a short time, Mr. Owens, from the committee, reported a bill, which was read the first time; and the rule being dispensed with, it was read a second time, amended at the clerk's table and ordered to be engrossed and read a third time.

Engrossed bills, to wit: A bill for opening a road from Danville to the Tennessee line; a bill to amend an act entitled an act to amend an act concerning occupying claimants of land; a bill to incorporate the Eddyville Steam-Mill Company; and a bill altering the terms of the circuit courts of Bath, Floyd and Greenup counties; were severally read a third time and the blanks in the first filled.

The question being taken on the passage of the first, it was resolved in the affirmative—Yeas 17, nays 10.

The yeas and nays being required thereon by messrs. Crutcher and Harrison, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Chambers, Davidge, Davidson, Griffin, Jones, Mason, Owens, Perrin, South, Southgate, Taylor and Wood.

Those who voted in the negative, are, messrs. Churchill, Crutcher, Fleming, Ford, Harrison, Slaughter, Thompson, Wickliff, Wilson and Yancey.

The question being taken on the passage of the second, it was resolved in the affirmative—Yeas 22, nays 4.

The yeas and nays being required thereon by messrs. Fleming and Chambers, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Chambers, Churchill, Davidge, Fleming, Ford, Griffin, Jones, Mason, Owens, Perrin, Slaughter, South, Southgate, Taylor, Thompson, Wood, Worthington and Yancey.

Those who voted in the negative, are, messrs. Crutcher, Davidson, Harrison and Wickliff.

*Resolved*, That the said bills do pass, and that the titles be, respectively, “an act for opening a road from Danville to the Tennessee line; an act to amend an act entitled an act to amend an act concerning occupying claimants of land; an act to incorporate the Eddyville Steam-Mill Company; and an act altering the terms of the circuit courts of Bath, Floyd and Greenup counties.”

*Ordered*, That the clerk do carry said bills to the house of representatives, and request their concurrence.

Bills from the house of representatives, of the following titles, to wit: 1. An act authorising Walter Preston to convey certain lands within this commonwealth; 2. an act to amend the proceedings in civil suits against banks and other corporations; 3. an act for the benefit of Alisana Brown; 4. an act to alter the mode of taking in lists of taxable property; 5. an act to amend an act authorising certain justices of the county courts to award injunctions, writs of *ne exeat* and *habeas corpus*; 6. an act for the benefit of Thomas Hancock, of Pulaski county; 7. an act giving farther time to settlers on the lands acquired by the treaty of Tellico to return plats and certificates of survey; 8. an act to regulate certain towns in this commonwealth; 9. an act to amend an act regulating the town of Prestonsburg, in Floyd county; and 10. an act to declare Sandy river a navigable stream; were severally read, the first a third time, the second and third a second time, and the remainder the first time.

The rule being dispensed with, the fourth, fifth, sixth, seventh and eighth were read a second time, and the sixth, seventh and eighth a third time.

The second, fourth and fifth were committed to a committee of the whole house on the state of the commonwealth—the second for to-morrow.

The third was ordered to be read a third time, and the ninth and tenth were ordered to be read a second time.

*Resolved*, That the first, sixth, seventh and eighth bills do pass, and that the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Pope :

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act giving additional powers to the trustees of the towns of Louisville and Nicholasville ;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time. The rule being dispensed with, it was read a second time and ordered to be read a third time.

The following bills were severally read a second time, to wit: A bill for opening a road from Frankfort to Nashville ; a bill providing for the collection of part of the revenue of Fayette county for the year 1817 ; and a bill directing the clerk of Mason county to transcribe a certain record book.

The first was committed to messrs. Churchill, Johnson, Crutcher, Slaughter, Wickliff and Yancey.

The second was ordered to be engrossed and read a third time.

And the rule being dispensed with, the third bill (having been engrossed) was read a third time and the blank therein filled.

*Resolved*, That the said bill do pass, and that the title be "an act directing the clerk of Mason county to transcribe a certain record book."

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

The senate received a message in writing from the lieutenant-governor, by Mr. Waggener, containing certain nominations, to wit :

*Gentlemen of the Senate*,

I nominate for your advice and consent, Richard Graves, lieutenant colonel of the 81st regiment, in place of Samuel Scott, promoted.

William Kendrick, colonel of the 50th regiment, in place of Fleming Robinson, promoted.

Samuel Robertson, lieutenant colonel of the same regiment, in place of Robert Burnett, resigned.

George Tye, major of the 89th regiment, in place of Thomas Swift, resigned.

John Newman, major of the 41st regiment.

James A. M'Elroy, lieutenant colonel of the 4th regiment, in place of Robert Scott, resigned.

Hezekiah Ray, major of the same regiment, in place of James A. M'Elroy, if promoted.

John H. M'Bride, notary public in and for the county of Bath.

Lewis Vemont, notary public in and for the town of Millersburg, county of Bourbon.

The county court of Union having failed, at either of the terms prescribed by the constitution, to recommend a sheriff, and the time for which the sheriff of said county was commissioned will expire during the present session; I therefore nominate Hugh M'Elroy to fill the office of sheriff for said county, he being the senior magistrate.

#### GABL. SLAUGHTER.

January 26th, 1819.

A message from the house of representatives, by Mr. Barrett:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act concerning the town of Greensburg;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time; and the rule being dispensed with, it was read a second and third time.

*Resolved*, That the said bill do pass, and that the clerk inform the house of representatives thereof.

On the motion of Mr. Churchill, a bill to regulate the fees of inspectors in this commonwealth was taken up and ordered to be engrossed and read a third time.

Mr. Barry presented the petition of William B. Summers and Jones Hoy, a committee for Lawrence Flournoy, a lunatic; also the petition of the children of the said Flournoy, who are of age, praying that they may be authorised by law to sell part of his real estate, and vest the proceeds in other lands.

Which was read and referred to the committee for courts of justice.

On the motion of Mr. Johnson,

*Ordered*, That the committee of the whole house on the state of the commonwealth be discharged from the further consideration of a bill to incorporate the Broadway Bridge Company.



A message from the house of representatives, by Mr. Booker :

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act to provide for the revision of the statute laws of this commonwealth;” in which they request the concurrence of the senate.

And then he withdrew.

And then the senate adjourned.

WEDNESDAY, JANUARY 27, 1819.

The senate assembled.

A message from the house of representatives, by Mr. Haynes :

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled “an act for the benefit of James Elder.”

And then he withdrew.

A message from the house of representatives, by Mr. George :

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled “an act to amend the act regulating the towns of Millersburg, Paris, Bardstown, and for other purposes, approved February 4, 1817.”

And then he withdrew.

A message from the house of representatives, by Mr. J. Johnston :

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act to authorise William and James Newton to build a dam and water grist and saw mill on Rough creek, in Ohio county;” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. G. Wall :

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act authorising the payment of a sum of money due by the commonwealth to John Hunter;” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Worthington :

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act allowing coroners and elisors pay for

certain services; in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Ray :

Mr. *Speaker*—The house of representatives have unanimously passed a bill entitled “an act for the benefit of Frances Lewis;” in which they request the concurrence of the senate.

And then he withdrew.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Davidge—A bill more effectually to provide for collecting certain monies payable to the commonwealth.

And on the motion of Mr. Owens—A bill for the benefit of the trustees of the Lewis and Liberty academies.

*Ordered.* That messrs. Davidge, Fleming, Barry, Owens and Bridges be appointed a committee to prepare and bring in the former, and messrs. Owens, Eve and Mason the latter.

A message from the house of representatives, by Mr. Stockton :

Mr. *Speaker*—The house of representatives have passed a bill from the senate, entitled “an act vesting certain powers in the trustees of the towns of Flemingsburg and Lebanon.

And then he withdrew.

A message from the house of representatives, by Mr. Booker :

Mr. *Speaker*—The house of representatives concur in the amendments proposed by the senate to a bill entitled “an act to extend the term of the Christian circuit court, and to alter the time of holding the Logan circuit court, and for other purposes.

And then he withdrew.

Mr. Davidge presented the memorial of William Littell, representing that he would willingly undertake (with the patronage of the government) an Institute of the Laws of Kentucky, on the plan of Sir William Blackstone's Commentaries on the Laws of England; and requesting that the legislature may take the same into consideration.

The speaker laid before the senate the petition of Eliza G. Ball, praying a divorce from her husband Spencer Ball.

Which were severally read and referred, the former to a select committee of messrs. Davidge, Bledsoe, Barry,

Owens, Southgate, Bridges, Johnson, Eve, Perrin and Fleming, and the latter to the committee for courts of justice.

The following bills were reported from the several committees to whom they were referred, with amendments, to wit:

By Mr. Barry, from the committee for courts of justice—A bill from the house of representatives, entitled “an act to alter the terms of the Clarke and Estill circuit and county courts.

By Mr. Southgate—A bill authorising a lottery for the purpose of opening a road from New-Castle to the mouth of Licking.

By Mr. Churchill—A bill for opening a road from Frankfort to Nashville.

Which amendments were severally read, and those to the two former concurred in.

The first bill was read a third time as amended, and the second was ordered to be engrossed as amended and read a third time.

The third, with the amendments, was laid on the table until the first day of March next.

*Resolved*, That the former bill as amended do pass, and that the title be amended to read “an act to extend the terms of the Madison and Clarke circuit courts, and altering the time of holding the Estill circuit and county courts.”

*Ordered*, That Mr. Jones inform the house of representatives thereof, and request their concurrence in the amendments.

Mr. Wickliff moved to take up the resolution for the final adjournment of the legislature; and the question being taken thereon, it was resolved in the affirmative—Yeas 17, nays 12.

The yeas and nays being required thereon by messrs. Wickliff and Harrison, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Churchill, Crutcher, Davidge, Davidson, Faulkner, Ford, Given, Griffin, Harrison, Owens, Slaughter, South, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bartlett, Chambers, Eve, Fleming, Johnson, Mason, Perrin, Southgate, Taylor and Thompson.

The resolution was then adopted.

*Ordered*, That Mr. Wickliff acquaint the house of representatives therewith and request their concurrence.

The resolutions concerning banks were taken up, and Mr. Owens moved to fill the blank with the word “seventy;” and

the question being taken thereon, it was resolved in the negative—Yeas 3, nays 27.

The yeas and nays being required thereon by messrs. Yancey and Owens, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Davidson, Owens and Wickliff.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Barry, Bartlett, Bledsoe, Bridges, Chambers, Churchill, Crutcher, Davidge, Eve, Faulkner, Fleming, Ford, Given, Griffin, Harrison, Johnson, Jones, Mason, Perrin, South, Southgate, Taylor, Thompson, Wood, Worthington and Yancey.

The blank was then filled with the word "seven."

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Barry—A bill to establish the Francis Peart college.

By Mr. Johnson—A bill authorising the trustees of the town of Bowling-Green to levy additional taxes.

By Mr. Owens—A bill for the benefit of the trustees of Liberty and Lewis academies.

And by Mr. Crutcher—A bill to extend the June term of the Hardin circuit court, and to alter the time of holding the June term of the Nelson circuit court.

Which were severally read the first time and ordered to be read a second time; and the rule being dispensed with, the latter bill was read a second time and laid on the table.

A bill from the house of representatives, entitled "an act concerning commonwealth's attornies," was read a third time as follows, to wit:

*Be it enacted by the general assembly of the commonwealth of Kentucky, That the act passed on the 23d day of January 1813, entitled "an act concerning commonwealth's attornies," shall be, and the same is hereby continued in force two years from and after the fourth day of February next.*

And the question being taken on the passage thereof, it was resolved in the negative—Yeas 14, nays 18.

The yeas and nays being required thereon by messrs. Bledsoe and Harrison, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Davidson, Fleming, Ford, Given, Harrison, Mason, Owens, Slaughter, South, Thompson, Wickliff, Wilson, Wood and Worthington.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Chambers,

Churchill, Crutcher, Davidge, Eve, Faulkner, Griffin, Johnson, Jones, Perrin, Southgate, Taylor and Yancey.

And so the said bill was rejected.

*Ordered*, That Mr. Bledsoe inform the house of representatives thereof.

A message from the house of representatives, by Mr. Lee :

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act allowing an additional number of justices of the peace to the counties of Bath, Whitley and Nelson," with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were taken up, read and concurred in.

*Ordered*, That the clerk inform the house of representatives thereof.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Davidson in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Davidson reported, that the committee had according to order taken into consideration a bill from the house of representatives, entitled "an act to amend the laws incorporating independent banks," and had made some progress therein, but not having time to go through the same, had instructed him to ask for leave to sit again; which was granted.

The senate received a message in writing from the lieutenant-governor, by Mr. Secretary Pope, which was taken up and read as follows, to wit :

*Gentlemen of the Senate,*

The honorable Benjamin Mills having resigned his office as a circuit judge in the 11th judicial district, and refusing to accept a commission under the nomination made at the present session for the said circuit, I nominate him to the senate as a proper person to fill that office in the 3rd judicial district, in place of Benjamin Johnson, resigned.

GABL. SLAUGHTER.

January 27th, 1819.

The rule being dispensed with, the nomination was taken up.

*Resolved unanimously*, That the senate advise and consent to the said appointment.



*Ordered*, That Mr. Barry acquaint the lieutenant-governor therewith.

A message from the house of representatives, by Mr. Gaither :

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act for the relief of the administrators and heirs of John Stapp, deceased," with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were severally taken up, read and concurred in.

*Ordered*, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Hunter :

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act concerning the town of Versailles ;" in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Lockett :

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act to erect an election precinct in Estill county," with amendments, in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Underwood :

*Mr. Speaker*—The house of representatives concur in the amendments proposed by the senate to bills of the following titles: to wit: An act for the benefit of the heirs of Adam Woods, deceased; an act to alter the terms of the Clarke and Estill circuit and county courts, with an amendment to the latter; and they have passed a bill entitled "an act for the relief of the surveyors of Jefferson and Garrard counties," with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The former amendment was taken up, read and concurred in.

*Ordered*, That Mr. Jones inform the house of representatives thereof.

An engrossed bill for the benefit of Catherine Amis and Agnes Snider, was taken up.

*Resolved*, That the said bill do pass, and that the title be "an act for the benefit of Catherine Amis, Agness Snider, Rebecca Mitchell and John Hole."

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

And then the senate adjourned.

THURSDAY, JANUARY 28, 1819.

The senate assembled.

Mr. Barry, from the committee for courts of justice, reported a bill for the relief of Eliza G. Ball; which was read the first time.

The rule being dispensed with, the said bill was read a second and third time (having been engrossed).

*Resolved (unanimously)*, That said bill do pass, and that the title be "an act for the relief of Eliza G. Ball."

*Ordered*, That Mr. Barry do carry said bill to the house of representatives, and request their concurrence.

On the motion of Mr. Owens, leave was given him to bring in a bill for the benefit of Rebecca Gill; and messrs. Owens, Griffin and Eve were appointed a committee to prepare and bring in the same.

And after a short time, Mr. Owens reported a bill; which was read the first time, and the rule being dispensed with, it was read a second and third time (having been engrossed).

*Resolved*, That the said bill do pass, and that the title be "an act for the benefit of Rebecca Gill."

*Ordered*, That Mr. Griffin do carry said bill to the house of representatives, and request their concurrence.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit: An act for the erection of the county of Hart, out of the counties of Barren and Hardin; an act to regulate certain towns in this commonwealth; an act for the benefit of the devisees of John Curd and the heirs of Price Curd; an act for the benefit of Thomas Hancock, of Pulaski county; an act concerning the town of Greensburg; an act to extend and alter the time of holding certain circuit courts; an act giving further time to settlers on the lands acquired by the treaty of Tellico to return plats and certificates of survey; an act for the benefit of Conrad Baker, of Casey county; an act to extend the Madison and Clarke circuit courts, and altering the time of holding the Estill

circuit and county courts; an act to amend the act regulating the towns of Millersburg, Paris, Bardstown, and for other purposes, approved February 4, 1817; and had found the same truly enrolled.

A message from the house of representatives, by Mr. J. Johnston:

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being the same reported to-day by Mr. Yancey, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Yancey, from said committee, reported that they had performed that duty.

The amendments proposed by the house of representatives to a bill entitled "an act for the relief of the surveyors of Jefferson and Garrard counties," were taken up, twice read and concurred in.

*Ordered*, That Mr. Churchill inform the house of representatives thereof.

Mr. Fleming presented the petition of the trustees of the heirs of Andrew Todd, deceased, praying that a law may be passed authorising the adult heirs of said deceased, and the guardians of the minors, to convey certain lots in Flemingsburg to John T. Edgar, who married one of the heirs of said Todd.

Which was read and referred to messrs. Fleming, Bledsoe and South, who have leave to report by bill or otherwise.

A message from the house of representatives, by Mr. Beall:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to amend an act entitled an act for the relief of Peter Sibert; in which they request the concurrence of the senate.

And then he withdrew.

A bill to incorporate the Broadway Bridge Company, was taken up, amended at the clerk's table and ordered to be engrossed and read a third time.

A bill from the house of representatives, entitled "an act for the benefit of Alisana Brown," was read a third time.

*Resolved*, That the said bill do pass, and that the clerk inform the house of representatives thereof.

Engrossed bills, to wit : 1. A bill increasing certain inspectors' fees and for classing tobacco, was read a third time as follows, to wit :

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky,* That inspectors of tobacco in this commonwealth shall hereafter be allowed the sum of one dollar for each and every hogshead of tobacco by them inspected, to be paid by the shipper thereof.

§ 2. All hogsheads of tobacco condemned by the inspectors shall be subject to the same fees and charges as if said tobacco had been passed as merchantable, and the inspectors shall retain the tobacco until the fees and charges are paid.

§ 3. It shall be the duty of the inspectors of tobacco to class it into three classes, to wit, first, second and third quality, and certify the quality of each and every hogshead by them inspected, in the notes given to the owner.

2. A bill to amend the act to reduce into one the several acts concerning mill-dams and other obstructions in water courses, was read a third time as follows, to wit :

*Be it enacted by the general assembly of the commonwealth of Kentucky,* That when any person or persons, desirous of erecting a water grist or saw mill, or other water works, on his, her or their land, through which any stream of water not declared navigable shall pass, and to which purpose it shall become necessary to conduct the water of such stream either to or from the contemplated mill by means of a ditch, canal or race through the lands of any other person or persons, he, she or they so desirous of erecting a mill or other water works, shall make application to the court of the county in which the land proposed to be intersected by such ditch, canal or race may lie, and proceed in all other respects according to the provisions of the act to which this is an amendment, to procure the condemnation of so much land, not exceeding in all one acre, as may be necessary to open and keep in repair such canal, ditch or race ; and all the provisions of the before recited act shall have full force and effect, in the cases contemplated by this act, both upon the applicant and proprietor of the land proposed to be condemned.

3. A bill providing for the collection of part of the revenue of Fayette county for the year 1817 ; and 4. a bill to amend the several acts concerning the distribution of the laws ; were also severally read a third time.

The question being taken on the passage of the first, it was resolved in the negative—Yeas 11, nays 19.

The yeas and nays being required thereon by messrs. Jones and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Barry, Chambers, Churchill, Crutcher, Mason, Owens, Perrin, Slaughter, Southgate, Wickliff and Worthington.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Bartlett, Bledsoe, Bridges, Davidge, Eve, Faulkner, Fleming, Ford, Given, Griffin, Harrison, Jones, South, Taylor, Thompson, Wilson, Wood and Yancey.

And so the said bill was rejected.

The question was then taken on the passage of the second bill, and it was resolved in the negative—Yeas 14, nays 14.

The yeas and nays being required thereon by messrs. Crutcher and Faulkner, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Barry, Bledsoe, Chambers, Davidge, Fleming, Ford, Given, Griffin, Perrin, South, Taylor, Wickliff, Worthington and Yancey.

Those who voted in the negative, are, Mr. Speaker, and messrs. Bartlett, Bridges, Crutcher, Faulkner, Harrison, Jones, Mason, Owens, Slaughter, Southgate, Thompson, Wilson and Wood.

The votes being equal, the speaker declared the said bill rejected.

*Resolved*, That the third and fourth bills do pass, and that the titles be, respectively, "an act providing for the collection of part of the revenue of Fayette county for the year 1817," and "an act to amend the several acts concerning the distribution of the laws."

*Ordered*, That the clerk do carry said bills to the house of representatives and request their concurrence.

Mr. Harrison, from the select committee appointed for that purpose, reported a bill for surveying certain lands.

Which was read the first time; and the rule being dispensed with, it was read a second time and committed to a committee of the whole house on the state of the commonwealth.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Slaughter in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Slaughter reported, that the committee had according to order taken into consideration the nomination of James S. Berryman, as sheriff of Woodford county, and had come to a resolution thereupon; and they had resumed the consideration of a bill from the house of representatives,



entitled "an act to amend the laws incorporating independent banks," and had made some further progress therein, but not having time to go through the same, had instructed him to ask for leave to sit again.

The resolution was handed in at the clerk's table, twice read and concurred in as follows, to wit :

*Resolved*, That the senate do advise and consent to the issuing a commission to James S. Berryman, as sheriff of Woodford county, to fill the vacancy occasioned by the death of James Howard, and to continue in office for the time that Howard was commissioned.

*Ordered*, That Mr. Faulkner acquaint the lieutenant governor therewith.

And then the senate adjourned.

FRIDAY, JANUARY 29, 1819.

The senate assembled.

A message from the house of representatives, by Mr. Todd :

Mr. *Speaker*—The house of representatives have passed a bill entitled "an act to erect the county of Owen, out of the counties of Franklin, Scott and Pendleton;" in which they request the concurrence of the senate.

And then he withdrew.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit :

By Mr. Barry—A bill to incorporate a company to improve the navigation of Elkhorn.

By the same—A bill authorising a lottery for the use of the Lancasterian school at Lexington.

By Mr. Johnson—A bill to procure philosophical and chemical apparatus for the Transylvania University.

By Mr. Davidge—A bill more effectually to provide for collecting money payable to the commonwealth.

And by Mr. Fleming—A bill for the benefit of the heirs and devisees of Andrew Todd, deceased.

Which bills were severally read the first time; and the rule being dispensed with, they were read a second time and ordered to be engrossed and read a third time.

Mr. Owens moved for leave to bring in a bill for the relief of Elizabeth Armstrong; which was committed to the committee for courts of justice.

The resolutions concerning banks, were taken up and read as follows, to wit:

1. *Resolved*, That the establishment of a monied monopoly, is hostile to republican liberty.

2. *Resolved*, That banks, as they now exist, are such monopolies, and do not depend for their profits upon the useful employment of the products of industry. And as the products of the labor of a nation, are the only genuine sources of national wealth, any corporation or institution which tends to substitute speculation, instead of the proper and valuable fruits of this labor, ought not to exist.

3. *Resolved*, That all banks, as now established, confer exclusive privileges, not for public good; giving to individuals, when incorporated, a right to use their credit in a manner not allowed to their fellow-citizens; and authorising them, as individuals, to receive shares of the profits of such institutions, while their private property is exonerated from their debts.

4. *Resolved*, That such incorporations not only create a privileged order, with interests distinct from the interests of the body of the people, but they tend necessarily to throw wealth and power into the hands of a few; to create a monied aristocracy, more unfeeling than monarchy; to direct and control the administration of the general and state governments, and in the end to destroy the beneficial effects of our free and happy institutions: Wherefore,

5- *Resolved*, That the following be proposed to the several states composing the Union, and which, when adopted by three-fourths of the same, shall be considered as a part of the constitution of the United States, viz.

"No state shall hereafter establish or authorise any bank, or pass any act of incorporation for banking purposes, or with banking powers; nor shall the congress of the United States establish or authorise any bank, or branch thereof, to be located within the limits of any state, without the consent of such state previously given by an act of the legislature thereof, passed by a majority of two-thirds of each branch thereof, and subject to such conditions and regulations as shall be by such act prescribed. And seven years after this amendment shall take effect, every bank or institution with banking powers, incorporated by the act of any state, or of the United States, shall cease and determine; but congress, or any state, may nevertheless pass laws authorising the collection of any debts, or the sale and disposition of any property belonging to such banks or corporations."

6. *Resolved*, That the acting governor of this state be requested to transmit copies of the foregoing resolutions to the executive of each state, to be submitted to the legislatures thereof, for their approbation of the proposed amendment to the constitution of the United States, and also transmit copies thereof to the president of the United States and to each of the senators and representatives in congress from this state.

The fourth resolution was amended by expunging therefrom the words "more unfeeling than monarchy."

Mr Bledsoe, from the majority of the vote given on the 27th inst. whereby the blank therein was filled with the word "seven," moved to re-consider the vote, and it was resolved in the affirmative.

The blank was then filled with the word "twenty."

Mr. Wickliff moved to lay the resolutions on the table until the 10th day of July next; and the question being taken thereon, it was resolved in the negative—Yeas 14, nays 18.

The yeas and nays being required thereon by messrs. Bledsoe and Bridges, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Barry, Bartlett, Chambers, Churchill, Davidge, Davidson, Fleming, Griffin, Johnson, Owens, Perrin, Slaughter, Southgate and Wickliff.

Those who voted in the negative, are, Mr. Speaker, and messrs. Bledsoe, Bridges, Crutcher, Eve, Faulkner, Ford, Given, Harrison, Jones, Mason, South, Taylor, Thompson, Wilson, Wood, Worthington and Yancey.

And so the said motion was rejected.

Mr. Johnson then moved to strike out the second resolution; and the question being taken thereon, it was resolved in the negative—Yeas 13, nays 19.

The yeas and nays being required thereon by messrs. Bledsoe and Yancey, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Barry, Bridges, Chambers, Churchill, Crutcher, Davidson, Fleming, Johnson, Perrin, Slaughter, Southgate, Wickliff and Wood.

Those who voted in the negative, are, Mr. Speaker, and messrs. Bartlett, Bledsoe, Davidge, Eve, Faulkner, Ford, Given, Griffin, Harrison, Jones, Mason, Owens, South, Taylor, Thompson, Wilson, Worthington and Yancey.

Mr. Johnson then moved to amend the resolutions by striking out the fourth resolution, and it was resolved in the negative—Yeas 11, nays 21.

The yeas and nays being required thereon by messrs. Bledsoe and Given, were as follows, to wit :

Those who voted in the affirmative, are, messrs. Barry, Bridges, Chambers, Churchill, Crutcher, Fleming, Johnson, Perrin, Slaughter, Southgate and Wickliff.

Those who voted in the negative, are, Mr. Speaker, and messrs. Bartlett, Bledsoe, Davidge, Davidson, Eve, Faulkner, Ford, Given, Griffin, Harrison, Jones, Mason, Owens, South, Taylor, Thompson, Wilson, Wood, Worthington and Yancey.

The question was then taken on adopting the resolutions as amended, and it was resolved in the negative—Yeas 15, nays 17.

The yeas and nays being required thereon by messrs. Bledsoe and Yancey, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Bledsoe, Bridges, Ford, Given, Harrison, Jones, Mason, South, Taylor, Thompson, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, messrs. Barry, Bartlett, Chambers, Churchill, Crutcher, Davidge, Davidson, Eve, Faulkner, Fleming, Griffin, Johnson, Owens, Perrin, Slaughter, Southgate and Wickliff.

And so the said resolutions were rejected.

On the motion of Mr. Crutcher,

*Ordered*, That the committee of the whole house on the state of the commonwealth be discharged from the further consideration of a bill from the house of representatives, entitled "an act to alter the mode of taking in lists of taxable property."

Mr. Southgate moved to amend the said bill by adding thereto the following section, to wit :

*And be it further enacted*, That any person aggrieved by the valuation of a commissioner, shall be allowed an appeal from such valuation to the county court appointing the commissioner, at their next term after such valuation is returned to the clerk of such court ; whereupon the said court may, upon hearing testimony, or from their own knowledge, correct such valuation, if it is proper so to do.

And the question being taken thereon, it was resolved in the affirmative—Yeas 17, nays 12.

The yeas and nays being required thereon by messrs. Yancey and Given, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Faulkner, Fleming, Ford, Given, Griffin, Johnson,

Jones, Owens, Perrin, South, Southgate, Taylor, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, messrs. Barry, Bartlett, Bledsoe, Bridges, Churchill, Crutcher, Davidge, Eve, Harrison, Slaughter, Thompson and Wickliff.

The said bill was farther amended at the clerk's table and read a third time; and the question being taken on the passage thereof as amended, it was resolved in the affirmative Yeas 18, nays 14.

The yeas and nays being required thereon by messrs. Crutcher and Faulkner, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Chambers, Churchill, Crutcher, Davidge, Davidson, Eve, Harrison, Johnson, Slaughter, Southgate, Taylor, Thompson and Wickliff.

Those who voted in the negative, are, messrs. Fleming, Faulkner, Ford, Given, Griffin, Jones, Mason, Owens, Perrin, South, Wilson, Wood, Worthington and Yancey.

*Resolved*, That the said bill as amended do pass, and that Mr. Crutcher inform the house of representatives thereof and request their concurrence in the amendments.

The senate received a message in writing from the lieutenant-governor, by Mr. Waggener, containing certain nominations, which were taken up and read as follows, to wit:

*Gentlemen of the Senate,*

I nominate for your advice and consent, Johnson Dysart, lieutenant colonel of the 79th regiment, in place of Absalom Rentfro, resigned.

William Fish, major of the same regiment, in place of Johnson Dysart, promoted.

Alney M'Lean, colonel of the 40th regiment, in place of Charles Campbell, removed.

William Martin, lieutenant colonel of the same regiment, in place of Alney M'Lean, promoted.

Henry W. Black, major of the same regiment, in place of William Martin, promoted.

William B. Booker, brigade quartermaster of the 8th brigade, in place of James Hughes, resigned.

William Biggers, major of the 4th regiment, in place of William Kendrick, promoted.

James Simrall, notary public in and for the county of Shelby and town of Shelbyville.



Edward Tyler, jun. notary public in and for the town of Louisville and county of Jefferson.

### GABL. SLAUGHTER.

January 29th, 1819.

The senate also received information that the lieutenant-governor did on yesterday approve and sign an enrolled bill which originated in the senate, entitled "an act to amend the act regulating the towns of Millersburg, Paris, Bardstown, and for other purposes, approved February 4, 1817."

*Ordered*, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Hardin:

Mr. *Speaker*—The house of representatives have passed bills from the senate of the following titles, to wit: An act to amend and reduce into one the several acts authorising changes of venue in civil cases, and an act concerning the duties of the register of the land-office, with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The amendments proposed to the former bill were twice read and disagreed to.

*Ordered*, That Mr. Owens inform the house of representatives thereof.

The amendments proposed by the house of representatives to a bill entitled "an act erecting an election precinct in Estill county," were taken up, twice read and concurred in with an amendment.

*Ordered*, That Mr. Mason inform the house of representatives thereof, and request their concurrence in the amendment.

An engrossed bill to incorporate the Broadway Bridge Company, was read a third time; and the question being taken on the passage thereof, it was resolved in the affirmative—Yeas 23, nays 3.

The yeas and nays being required thereon by messrs. Jones and Fleming, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Barry, Bartlett, Chambers, Churchill, Crutcher, Davidge, Eve, Fleming, Ford, Given, Griffin, Harrison, Johnson, Owens, Perrin, Slaughter, South, Southgate, Taylor, Wickliff, Wilson, Wood and Yancey.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Faulkner and Jones.

*Resolved*, That the said bill do pass, and that the title be  
“an act to incorporate the Broadway Bridge Company.”

*Ordered*, That Mr. Johnson do carry said bill to the house  
of representatives, and request their concurrence.

And then the senate adjourned.

SATURDAY, JANUARY 30, 1819.

The senate assembled.

Mr. Davidge, from the committee of propositions and  
grievances, made the following report, to wit:

The committee of propositions and grievances have accord-  
ing to order had under consideration the petition of J. P.  
Aldridge, praying that a law may be passed authorising a  
lottery for the benefit of the Lexington Lancasterian school,  
and have come to the following resolution thereon, to wit:

*Resolved*, That said petition is reasonable.

Which being twice read was concurred in.

*Ordered*, That the said committee prepare and bring in a  
bill pursuant to said resolution.

On motion,

*Ordered*, That the committee of the whole house on the  
state of the commonwealth be discharged from the further  
consideration of a bill to amend the law concerning execu-  
tions, a bill concerning the Kentucky Seminary, and a bill to  
amend the act establishing independent banks.

Mr. Faulkner moved to lay the first bill on the table until  
the 10th day of March next; and the question being taken  
thereon, it was resolved in the affirmative—Yeas 16, nays  
15.

The yeas and nays being required thereon by messrs.  
Bledsoe and Faulkner, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Bridges,  
Churchill, Crutcher, Davidson, Eve, Faulkner, Ford, Given,  
Harrison, Johnson, Jones, Owens, Slaughter, Southgate,  
Wickliff and Worthington.

Those who voted in the negative, are, Mr. Speaker, and  
messrs. Barry, Bartlett, Bledsoe, Davidge, Fleming, Griffin,  
Mason, Perrin, South, Taylor, Thompson, Wilson, Wood  
and Yancey.

The second bill was committed to messrs. Bledsoe, Owens,  
Bridges, Davidge and Churchill; and the third to messrs.  
Perrin, Southgate and Thompson.

Mr. Barry, from the committee for courts of justice, reported a bill for the benefit of Lawrence Flournoy, which was read the first time; and the rule being dispensed with, the said bill was read a second and third time (having been engrossed).

*Resolved*, That the said bill do pass, and that the title be "an act for the benefit of Lawrence Flournoy."

*Ordered*, That the clerk do carry said bill to the house of representatives, and request their concurrence.

The amendment proposed by the house of representatives to a bill entitled "an act concerning the duties of the register of the land-office," was taken up, twice read and concurred in.

*Ordered*, That the clerk inform the house of representatives thereof.

On the motion of Mr. Wilson, leave was given to bring in a bill to extend in part an act to continue in force an act for appropriating the vacant lands in this commonwealth, approved January the 9th, 1818; and messrs. Wilson, Owens, Slaughter, Worthington and Givens were appointed a committee to prepare and bring in the same.

A message from the house of representatives, by Mr. J. T. Johnson:

*Mr. Speaker*—The house of representatives have adopted a resolution for the purchase and disposition of a certain number of copies of Munsell's Map of Kentucky; in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Barbour:

*Mr. Speaker*—The house of representatives disagree to the amendment proposed by the senate upon concurring in amendments proposed by the house of representatives to a bill entitled "an act to erect an election precinct in Estill county."

And then he withdrew.

The said amendment being again read,

*Resolved*, That the senate adhere to their amendment, and that Mr. Mason inform the house of representatives thereof.

An engrossed bill authorising a lottery for the purpose of opening a road from New-Castle to the mouth of Licking, was amended at the clerk's table and read a third time.

*Resolved*, That the said bill do pass, and that the title be "an act authorising certain lotteries."

*Ordered*, That the clerk do carry said bill to the house of representatives and request their concurrence.

A bill from the house of representatives, entitled "an act for the benefit of Frances Lewis," was read the first time; and the rule being dispensed with, it was read a second and third time.

*Resolved, unanimously,* That the said bill do pass, and that the clerk inform the house of representatives thereof.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Faulkner in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Faulkner reported, that the committee had according to order resumed the consideration of a bill from the house of representatives, entitled "an act to amend the laws incorporating independent banks," and had made some further progress therein, but not having time to go through the same, had instructed him to ask for leave to sit again.

And then the senate adjourned.

#### MONDAY, FEBRUARY 1, 1819.

The senate assembled.

The speaker being absent, Mr. Henry Davidge was elected speaker *pro tem.*; and being conducted to the chair, from whence he made acknowledgments for the honor conferred on him, and recommended the observance of good order and decorum.

*Ordered,* That Mr. Fleming inform the house of representatives thereof.

Mr. Churchill presented the petition of sundry citizens of Louisville and Jefferson county, praying that they may have the privilege of erecting a toll-bridge across the mouth of Beargrass.

Which was read and referred to messrs. Churchill, Crutcher, Bledsoe and Wickliff, with leave to report by bill or otherwise.

Mr. Taylor, from the committee for courts of justice, reported a bill for the relief of Elizabeth Armstrong, which was read the first time; and the rule being dispensed with, the said bill was read a second and third time (having been engrossed).

*Resolved,* That the said bill do pass, and that the title be "an act for the relief of Elizabeth Armstrong."

*Ordered,* That Mr. Owens do carry said bill to the house of representatives, and request their concurrence.

Mr. Fleming presented the petition of George M. Bedinger, praying that he may be permitted to erect a toll-bridge across Main Licking, between his mill and upper ferry.

Which was read and referred to messrs. Fleming, Barry, Southgate, Perrin, Chambers and South, with leave to report by bill or otherwise.

The following bills were reported from the select committees to whom they were referred, to wit :

By Mr. Perrin—A bill to amend the act establishing independent banks.

By Mr. Fleming—A bill to prohibit the exportation of slaves for sale.

By Mr. Owens—A bill concerning the Kentucky Seminary.

And by Mr. Wickliff—A bill from the house of representatives entitled "an act to authorise the sale of the donation lands of the Salem Academy."

The first, second and third, with amendments, further amendments being offered to those of the first, which together with the said bills were severally ordered to be laid on the table.

The amendments to the second were concurred in, and the bill ordered to be engrossed and read a third time.

The fourth bill was read a third time.

*Resolved*, That the said bill do pass, and that the clerk inform the house of representatives thereof.

On the motion of Mr. Southgate, leave was given to bring in a bill to continue in force an act to suspend law process in certain cases ; and messrs. Southgate, Bledsoe, Barry and Perrin were appointed a committee to prepare and bring in the same.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit :

By Mr. Faulkner—A bill to amend an act entitled "an act to amend the militia laws."

By Mr. Southgate—A bill to continue in force an act to suspend law process in certain cases.

By Mr. Barry—A bill to amend the act entitled "an act to incorporate the Fayette and Madison Turnpike Company, and for other purposes.

And by Mr. Wilson—A bill to continue in force an act for appropriating the vacant land of this commonwealth.

Which were severally read the first time ; and the rule being dispensed with, the first, third and fourth bills were



read a second time, and the third a third time (having been engrossed).

*Resolved*, That the third bill do pass, and that the title be "an act to amend an act entitled an act to incorporate the Fayette and Madison Turnpike Company, and for other purposes."

*Ordered*, That the clerk do carry said bill to the house of representatives and request their concurrence.

The first bill was committed to a committee of the whole house on the state of the commonwealth, the fourth ordered to be laid on the table, and the second ordered to be read a second time.

The nominations made on the 26th and 29th of January, were severally taken up and read.

*Resolved*, That the senate advise and consent thereto, except to those of John Newman, major of the 41st regiment, and Lewis Viemont, notary public in and for the town of Millersburg and county of Bourbon, which were ordered to be laid on the table.

*Ordered*, That Mr. South acquaint the lieutenant-governor therewith.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Churchill in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Churchill reported, that the committee had according to order resumed the consideration of a bill from the house of representatives, entitled "an act to amend the laws incorporating independent banks," and had gone through the same and made sundry amendments thereto, which he handed in at the clerk's table."

The said bill was taken up and read as follows, to wit:

Whereas doubts are entertained as to the amount of the tax to be paid, and when payable by the several banking institutions incorporated by the acts passed at the last session of the general assembly, entitled "an act to establish independent banks in this commonwealth," and "an act supplementary to the act establishing independent banks in this commonwealth:" To remove which,

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That said institutions shall annually, in the month of January, pay into the public treasury of this state a tax at the rate of one half of one per cent. on the amount of the capital of such institution, which shall be paid in on the first day of said month. And when the said capi-

tal, or any part of it, shall not have been paid in for one year before said day, the said tax shall be paid on the capital in proportion to the time which said capital, or such part thereof, shall have been paid in.

§ 2. The tax due from said institutions for the year 1818, shall be paid on or before the first day of June next.

§ 3. The tax shall be paid on the whole amount of the stock which said institution may by law be entitled to, unless the cashier shall make out a statement of the true amount of stock paid in, and verify the same by affidavit, and produce it to the auditor before the payment of the tax as herein directed.

§ 4. If any of said institutions shall at any time fail to pay the tax that may be due from them, it shall be lawful for the auditor of public accounts to proceed against them at the next succeeding general court, by motion without notice, under the rules and regulations and penalties relating to delinquent sheriffs.

§ 5. *And be it further enacted.* That from and after the first day of August next, the president and directors of each of said institutions shall be answerable out of their private or individual estate for all notes issued or put into circulation after said date. And to prevent resignations made with a view of avoiding responsibility, a president and directors shall remain liable under the meaning of this act, notwithstanding any resignation, until a successor shall be elected and shall enter upon the duties of his office: *Provided, however,* that if such president or directors shall show that the affairs of the bank have been faithfully and honestly administered, and that its inability to pay its debts has been owing to misfortunes beyond the control of the president and directors of the institution, he or they shall not be held individually responsible; but nothing in this section contained shall lessen their liability as stockholders.

§ 6. Every person elected as a president or director, shall, before entering on the duties of his office, have a right to examine minutely into the situation of the institution, its dealings and transactions.

§ 7. The stockholders of said institution shall in like manner be answerable out of their private and individual estate, to an amount equal to their stock in such institution, for all notes put in circulation after said date.

§ 8. Suits within this act against the president, directors and stockholders, to charge them in their individual characters, may be brought severally against either, or jointly against any two or more of them. But no suit shall be so

brought against them until the creditor shall first obtain judgment against the institution, and have a *feri facias* placed in the hands of the proper officer, and it shall be returned in substance not satisfied. A transcript of the record of the suit against the corporation shall be evidence of the plaintiff's demand against the corporation, and of their failure or refusal to pay the same.

§ 9. *Be it further enacted*, That in all suits brought against the president, directors and stockholders of any corporation in virtue of this act, it shall be the duty of the cashier or clerk holding the books showing who are the president, directors and stockholders of the company or corporation, to exhibit the same in court when subpoenaed; and said books shall be *prima facie* evidence of the fact which may appear from the inspection of them. And no transfer of stock made after suit brought against any stockholder, shall exempt such stockholder from his liability under the provisions of this act.

§ 10. If any of said institutions shall, after said first day of August next, issue or circulate, or cause to be issued or circulated, any one bank note of a date prior to said day, it shall be *prima facie* evidence that any other note sued on after said date has been so issued; and if any defendant shall allege that the note sued on was issued before, and not after said day, the burthen of the proof of such allegation shall lie on the defendant: *Provided*, the plaintiff adduce proof of the fact aforesaid.

§ 11. It shall be lawful for any of the stockholders of any of said institutions, on or before the said first day of August next, to give notice of his wish to withdraw his stock from such institution. After such notice given, the stockholder may discount or set off his stock in such institution (according to the amount he has paid in) against any debt he may owe the institution. After such notice, the institution may, within sixty days thereafter, pay him by the assignment of any note discounted by such institution, on any person resident in the county in which the institution is situated; in which payment legal interest shall be allowed to the stockholder from the time of the last dividend made to the time the note may fall due; but no note shall be so transferred that may be under protest. If the institution shall not so pay the stockholders giving notice as aforesaid, the amount of their stock, together with their due proportion of the dividends, it shall be paid on the first day of January 1820, as other debts due by the institution.

§ 12. The executor or administrators of deceased persons, or the guardian or parent of any infant, may give the notice and withdraw the stock under this act.

§ 13. *Be it further enacted*, That in those cases where any independent bank of this commonwealth, authorised to be incorporated by the acts approved January 26th and February 3d 1818, shall have failed to carry the same into operation, the charter of such independent bank is hereby repealed.

§ 14. *Be it further enacted*, That the notes of all those banks which comply with the provisions of this act, and which shall be issued and dated after the first day of August next, shall be received in payment of revenue tax and county levy, and paid into the public treasury in the same manner as the notes of the Bank of Kentucky now are: *Provided, however*, that the note or notes of any independent bank shall not be received in the payment of taxes or county levies, unless such bank, by its president or cashier, shall, on or before the 10th day of March in each year, enter into bond with the auditor of public accounts, payable to the governor of this commonwealth for the time being and his successors, with such security as the said auditor shall approve, in the sum of twenty thousand dollars, conditioned that such bank shall pay all notes received as aforesaid; and the auditor shall certify the same to the sheriffs of the several counties accordingly, for their government in collecting the revenue taxes and county levy aforesaid.

And the question being taken upon concurring in the first amendment, which proposes to strike out from the 5th section the words "but nothing in this section contained shall lessen their liability as stockholders," it was resolved in the affirmative—Yeas 18, nays 11.

The yeas and nays being required thereon by messrs. Yancey and Jones, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Bridges, Chambers, Churchill, Critcher, Davidson, Eve, Fleming, Griffin, Harrison, Johnson, Mason, Owens, Slaughter, Southgate, Thompson and Wickliff.

Those who voted in the negative, are, Messrs. Bledsoe, Faulkner, Ford, Jones, Perrin, South, Taylor, Wilson, Wood, Worthington and Yancey.

The question was then taken upon concurring in the amendment which proposes to strike out the seventh section, and it was resolved in the affirmative—Yeas 20, nays 9.

The yeas and nays being required thereon by messrs. Yancey and Jones, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Bridges, Chambers, Churchill, Crutcher, Davidson, Eve, Fleming, Griffin, Harrison, Johnson, Mason, Owens, Slaughter, Southgate, Thompson, Wickliff, Wood and Worthington.

Those who voted in the negative, are, Messrs. Bledsoe, Faulkner, Ford, Jones, Perrin, South, Taylor, Wilson and Yancey.

Mr. Fleming then moved to disagree to the amendment offered to the 14th section, which is in these words: "Which comply with the provisions of this act, and which shall be issued and dated after the first day of August next."

And the question being taken on disagreeing to said amendment, it was resolved in the negative—Yeas 6, nays 23.

The yeas and nays being required thereon by Messrs. Bledsoe and Jones, were as follows, to wit:

Those who voted in the affirmative, are, Messrs. Eve, Fleming, Griffin, Mason, Perrin and Worthington.

Those who voted in the negative, are, Mr. Speaker, and Messrs. Barry, Bledsoe, Bridges, Chambers, Churchill, Crutcher, Davidson, Faulkner, Ford, Harrison, Johnson, Jones, Owens, Slaughter, South, Taylor, Thompson, Wickliff, Wilson, Wood and Yancey.

The question was then taken upon concurring in the amendment which proposes to strike out the fifth section, and it was resolved in the affirmative—Yeas 16, nays 11.

The yeas and nays being required thereon by Messrs. Bledsoe and Jones, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Bridges, Chambers, Churchill, Crutcher, Davidson, Eve, Fleming, Johnson, Owens, Slaughter, Southgate, Thompson, Wood and Worthington.

Those who voted in the negative, are, Messrs. Bledsoe, Faulkner, Ford, Griffin, Harrison, Jones, Mason, Perrin, South, Taylor, Wickliff, Wilson and Yancey.

The residue of the amendments were then concurred in with amendments.

Mr. Taylor moved to amend the first section, by inserting the word "stock" after the word capital, and by striking out from the word "month," the residue of the section.

And the question being taken thereon, it was resolved the negative—Yeas 3, nays 24.

The yeas and nays being required thereon by Messrs. Taylor and Jones, were as follows, to wit:



Those who voted in the affirmative, are, messrs. Jones, Taylor and Wickliff.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Bridges, Chambers, Churchill, Crutcher, Davidson, Eve, Faulkner, Fleming, Ford, Griffin, Harrison, Johnson, Mason, Owens, Perrin, Slaughter, South, Southgate, Wood, Worthington and Yancey.

Mr. Johnson then moved to amend the bill by attaching thereto the following section, to wit:

*Be it further enacted,* That hereafter the sum of one half per cent. is hereby laid on each share in the joint and capital stock of the Bank of Kentucky, (except on the stock owned by the state) as a tax, in lieu of the tax now imposed by law; to be paid by the president, directors and cashier of said bank, in the treasury of this state, at the times, and in the manner, and under the same rules and regulations as now required by law.

And the question being taken thereon, it was resolved in the affirmative—Yeas 15, nays 14.

The yeas and nays being required thereon by messrs. Harrison and Bridges, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Barry, Churchill, Eve, Faulkner, Ford, Griffin, Harrison, Johnson, Mason, Perrin, Slaughter, South, Wickliff, Wilson and Worthington.

Those who voted in the negative, are, Mr. Speaker, and messrs. Bledsoe, Bridges, Chambers, Crutcher, Davidson, Fleming, Jones, Owens, Southgate, Taylor, Thompson, Wood and Yancey.

The question was then taken on reading the bill a third time as amended, and it was resolved in the affirmative—Yeas 24, nays 5.

The yeas and nays being required thereon by messrs. Chambers and Bridges, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Bridges, Churchill, Crutcher, Eve, Faulkner, Fleming, Ford, Harrison, Johnson, Jones, Owens, Slaughter, South, Southgate, Taylor, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, messrs. Chambers, Davidson, Griffin, Mason and Perrin.

A message from the house of representatives, by Mr. Ray:

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled “an act for the relief of Eliza G. Ball.”

And then he withdrew.

A message from the house of representatives, by *Mr. Pope*:

*Mr. Speaker*—The house of representatives concur in the amendments proposed by the senate to a bill entitled “an act altering the mode of taking in lists of taxable property.”

And then he withdrew.

A message from the house of representatives, by *Mr. Barbour*:

*Mr. Speaker*—The house of representatives have taken into consideration the amendments proposed by the senate upon concurring in those proposed by the house of representatives to a bill entitled “an act to erect an election precinct in Estill county,” and solicit the appointment of a committee of conference, having appointed a committee on their part.

And then he withdrew.

A message from the house of representatives, by *Mr. Hardin*:

*Mr. Speaker*—The house of representatives solicit the appointment of a committee of conference on the part of the senate, on the disagreement between the two houses concerning the amendments proposed to a bill entitled “an act to amend and reduce into one the several acts authorising the change of venue in civil cases.”

And then he withdrew.

And then the senate adjourned.

## TUESDAY, FEBRUARY 2, 1819.

The senate assembled.

The speaker appeared and resumed the duties of the chair.

Messrs. Churchill, Crutcher and Wickliff were appointed a committee on the part of the senate, to confer with one from the house of representatives, on the disagreement of the two houses upon the subject of an amendment to a bill entitled “an act to erect an election precinct in Estill county.”

*Ordered*, That *Mr. Churchill* inform the house of representatives thereof.

Messrs. Owens, Barry and Bledsoe were appointed a committee on the part of the senate, to confer with one from the

House of representatives, on the disagreement of the two houses as to the amendment to a bill entitled "an act to amend and reduce into one the several acts authorising changes of venue in civil cases."

*Ordered*, That Mr. Owens inform the house of representatives thereof.

The nominations of Simeon N. Callus, major of the 33rd regiment, and John Newman, major of the 41st regiment, were taken up and read.

*Resolved*, That the senate advise and consent to the said appointments, and that Mr. Churchill acquaint the lieutenant governor therewith.

A message from the house of representatives, by Mr. Sharp :

Mr. *Speaker*.—The house of representatives concur in the resolution from the senate for a final adjournment of the legislature.

And then he withdrew.

A bill to amend the law incorporating independent banks, was taken up and the amendments concurred in ; and the question being taken on reading the bill a third time as amended, it was resolved in the affirmative—Yeas 15. nays 11.

The yeas and nays being required thereon by Messrs. Perrin and South, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Bledsoe, Bridges, Davidge, Faulkner, Ford, Jones, Perrin, South, Southgate, Taylor, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. Barry, Chambers, Churchill, Crutcher, Davidson, Griffin, Harrison, Masen, Owens, Thompson and Wickliff.

A bill from the house of representatives, entitled "an act to amend the laws incorporating independent banks," was read a third time as amended.

*Resolved*, That the said bill as amended do pass, and that the words "and for other purposes," be added to the title ; and that Mr. Churchill inform the house of representatives thereof and request their concurrence in the amendments.

The resolution from the house of representatives for the purchase and disposition of a certain number of copies of Munsell's Map of Kentucky, was taken up and read as follows, to wit :

IN THE HOUSE OF REPRESENTATIVES, Jan. 30, 1819.

*Resolved by the general assembly of the commonwealth of Kentucky*, That the secretary of State be directed to purchase

a sufficient number of copies of Munsell's Map of Kentucky, to be appropriated in the following manner: One for the government house, two for the senate chamber, two for the representative chamber, one to each of the public offices in Frankfort, and one to each county court, to be kept in the clerk's office of the county; and that the amount of said purchase be deducted by the auditor of public accounts from the debt due by said Munsell to the state, at the subscription price of said maps.

Extract, &c.—Attest, R. S. TODD, C. H. R.

Which being amended by inserting after the word county, "four to the Transylvania University, and one to each public seminary of learning in the state," was concurred in.

Ordered, That Mr. Crutcher inform the house of representatives thereof, and request their concurrence in the amendment.

On the motion of Mr. Jones.

Resolved, That the standing hour of adjournment during the residue of the present session be changed from 10 to 9 o'clock.

Mr. Wickliff, from the joint committee appointed to examine the state of the accounts of the several commissioners appointed under the act for the improvement of internal navigation, laid before the senate the following documents, to wit:

AUDITOR'S OFFICE, Jan. 27th 1819.

Dear Sir,

Agreeable to your verbal request, I have made out a statement, which accompanies this, of monies received and paid by the commissioners appointed under the act of last session, providing for the improvement of internal navigation. The statement contains all that this office affords on that subject. From conversations with some of the commissioners, and other gentlemen, I learned that the commissioners of Licking river have expended monies on that stream for which they have not as yet been able to get their accounts certified and transmitted to this office: It is said the amount will be equal to the balance now to their debit. One of the commissioners of the Kentucky river, has not rendered an account of money expended by him: His account will, it is expected, be filed immediately after the next Franklin county court, and the balance, if any, in his hands, will be paid over to the treasurer. So far as I have learned, the commissioners of Salt, Green, and Cumberland rivers, have rendered accounts for all monies expended by them. Such sums as are unac-

counted for by the commissioners, they will be requested to pay over to the treasurer: If they fail to do so, coercive measures will be pursued for its recovery.

I am, very respectfully,

Your obedient servant,

J. MADISON.

M. H. WICKLIFF, Esq. of the Senate.

*Worthington, Donan and Merrill, Commissioners of Green River.*

Rec'd. warrants on the treasurer to the amount of \$10,000 00  
They have expended as per accounts filed with the  
auditor, viz.

By David C. Donan,	2,215 01
Do.	371 82
Samuel Merrill,	1,034 08
Samuel Worthington,	3,561 25—\$7,182 16

Unexpended and in the hands of the above com'rs. \$2,817 84

*Garrard, Yantis and Taylor, commissioners of the Kentucky River.*

Rec'd. warrants on the treasurer to the amount of \$ 8,133 00  
They have expended,

By John Yantis,	2,765 23
Daniel Garrard,	2,242 81—\$5,008 04

They have paid into the treasury,

By John Yantis,	534 77
Daniel Garrard,	257 19—\$ 791 96

—————\$ 5,800 00

Not accounted for by the commissioners, \$ 2,333 00

*Churchill, Waters and M'Lean, Commissioners of Salt River.*

Rec'd. warrants on the treasurer to the amount of \$ 8,000 00  
They have expended,

By John Churchill,	1,474 03
Philemon Waters,	1,587 20
Samuel M'Lean,	2,178 97—\$ 5,240 20

Paid the treasurer,

By Samuel M'Lean,	501 03
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—————\$5,741 23

In the hands of the commissioners,

\$2,258 77



*Stockton, Garrard and House, Commissioners of Licking River.*

Rec'd. warrants on the treasury for \$8,000 00  
*They have expended, viz.*  
 By William House, 658 83  
 Do. 17 50

James Garrard, jun. 1,750 83—\$2,427 16  
*Paid the treasurer,*

By James Garrard, 4,584 50  
 ————— \$7,011 66

Not accounted for, \$988 34

*Givens, Newell and Paul, Commissioners of Cumberland River.*

Have received from the treasurer, \$4,000 00  
*They have expended, viz.*  
 By John Paul, 1,321 57  
 John R. Givens 67 50—\$1,389 07

*Paid the treasurer,*  
 By John Paul, 11 76  
 ————— \$1,400 83

Not accounted for, \$2,599 17  
 The amount received of the treasurer by all the  
 commissioners is \$38,183 00

The amount which they have expended so far as their accounts have  
 been rendered, amounts to, 21,503 82

The amount which they have paid to the treasurer is 5,632 06  
 ————— \$27,135 86

Amount not accounted for, \$10,997 12  
 J. MADISON, *Aud.*

January 27th, 1819.

Which were severally read and laid on the table.

A message from the house of representatives, by Mr. Smith:

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act to alter and amend the law concerning usury;” in which they request the concurrence of the senate.

And then he withdrew.

On the motion of Mr. Fleming, leave was given him to report a bill for the benefit of Thomas Triplett; which was read the first time and ordered to be read a second time.

A message from the house of representatives, by Mr. O'Bannon:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act for the relief of Joseph C. Belt;" in which they request the concurrence of the senate.

And then he withdrew.

On the motion of Mr. Faulkner,

*Ordered*, That the committee of the whole house on the state of the commonwealth be discharged from the further consideration of a bill to amend an act entitled "an act to amend the militia laws."

Which being done, the bill was ordered to be laid on the table.

Engrossed bills, to wit: A bill to incorporate a company to improve the navigation of Elkhorn; a bill for the benefit of the heirs and devisees of Andrew Todd; a bill more effectually to provide for collecting money payable to the commonwealth; and a bill concerning the Kentucky seminary; were severally read a third time, and the blanks in the first filled.

*Resolved*, That the said bills do pass, and that the titles be, respectively, "an act to incorporate a company to improve the navigation of Elkhorn; an act for the benefit of the heirs and devisees of Andrew Todd; an act more effectually to provide for collecting money payable to the commonwealth; and an act concerning the Kentucky seminary."

*Ordered*, That Mr. Barry do carry the first, Mr. Fleming the second, and the clerk the third and fourth bills to the house of representatives, and request their concurrence.

Bills from the house of representatives of the following titles, to wit: 1. An act for the benefit of John P. Thomas, late treasurer; 2. an act giving additional powers to the trustees of the towns of Louisville and Nicholasville; 3. an act to amend an act regulating the town of Prestonsburg, in Floyd county; 4. an act to declare Sandy river a navigable stream; 5. an act to repeal the act of the 23rd January 1818, relative to Morgantown; 6. an act to authorise William and James Newton to build a dam and water grist and saw mill on Rough creek, in Ohio county; 7. an act allowing coroners and elisors pay for certain services; 8. an act concerning the town of Versailles; and 9. an act to provide for the revision of the statute laws of this commonwealth; were sev-

erally read, the first, second, third, fourth and fifth a second time, and the remainder the first time.

The first, second and third were amended at the clerk's table; and the rule being dispensed with, the first, second, third and fourth were read a third time, and the fifth, sixth, seventh and eighth a second and third time. The ninth was ordered to be read a second time.

*Resolved*, That the eight former bills do pass, and that Mr. Churchill do carry the second, Mr. Fleming the third and fourth, and the clerk the remainder of said bills to the house of representatives, and request their concurrence in the amendments.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined sundry enrolled bills of the following titles, to wit: An act for the benefit of Frances Lewis; an act for the benefit of Aliceanna Brown; an act to authorise Walter Preston to convey certain lands in this commonwealth; an act to alter the mode of taking in lists of taxable property; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Johnston:

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed the said bills, being the same reported to-day by Mr. Yancey, and they were delivered to the joint committee, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Yancey reported that they had performed that duty.

The following bills were read a second time, to wit: A bill to extend the June term of the Hardin circuit court, and to alter the time of holding the June term of the Nelson circuit court; a bill authorising the trustees of the town of Bowling-Green to levy additional taxes; a bill for the benefit of the trustees of Liberty and Lewis academies; a bill to establish the Francis Peart college; and a bill to continue in force an act to suspend law process in certain cases.

And the rule being dispensed with, the first, second and third bills were read a third time (having been engrossed).

*Resolved*, That the four former bills do pass, and that the titles be, respectively, "an act to extend the June term of the Hardin circuit court, and to alter the time of holding the

June term of the Nelson circuit court; an act to authorise the trustees of the town of Bowling Green to levy additional taxes; and an act for the benefit of the trustees of Liberty and Lewis academies."

*Ordered*, That Mr. Crutcher do carry the first, and the clerk the second and third bills to the house of representatives and request their concurrence.

The fourth bill was committed to the committee for courts of justice.

Mr. Barry moved to amend the fifth bill by striking out the words "the Bank of Kentucky or its branches," and inserting in lieu thereof the words "any incorporated bank of this state."

And the question being taken thereon, it was resolved in the negative—Yeas 11, nays 19.

The yeas and nays being required thereon by messrs. Bledsoe and Davidge, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Barry, Chambers, Churchill, Eve, Fleming, Johnson, Owens, Perrin, Southgate, Thompson and Wood.

Those who voted in the negative, are, Mr. Speaker, and messrs. Bledsoe, Bridges, Crutcher, Davidge, Davidson, Faulkner, Ford, Given, Harrison, Jones, Mason, Slaughter, South, Taylor, Wickliff, Wilson, Worthington and Yancey.

Mr. Barry then moved to attach to said bill the following proviso, to wit:

*Provided*, That if the Bank of Kentucky, or the Bank of the United States, or either of them, shall suspend specie payments, the indorsement authorised by this act shall no longer be made, as it relates to the notes of the bank suspending specie payments, so long as the suspension continues.

And the question being taken thereon, it was resolved in the negative—Yeas 10, nays 22.

The yeas and nays being required thereon by messrs. Barry and Churchill, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Churchill, Davidge, Eve, Griffin, Johnson, Jones, Mason and Perrin.

Those who voted in the negative, are, messrs. Bledsoe, Bridges, Chambers, Crutcher, Davidson, Faulkner, Fleming, Ford, Given, Harrison, Owens, Slaughter, South, Southgate, Taylor, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.

The question was then taken on engrossing the bill and reading it a third time, and it was resolved in the affirmative—Yeas 23, nays 8.

The yeas and nays being required thereon by messrs. Johnson and Bridges, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Bledsoe, Bridges, Chambers, Churchill, Crutcher, Davidson, Fleming, Given, Griffin, Harrison, Mason, Owens, Slaughter, South, Southgate, Taylor, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, messrs. Barry, Davidge, Eve, Faulkner, Ford, Johnson, Jones and Perrin.

A message from the house of representatives, by Mr. Todd:

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act to amend and continue in force for a longer period the charter of the Bank of Kentucky;” in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Jones:

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act authorising suits against heirs and devisees in certain cases, and limiting the time of bringing suit against executors and administrators;” in which they request the concurrence of the senate.

And then he withdrew.

The senate received a message in writing from the lieutenant-governor, by Mr. Waggener, containing certain nominations, which were taken up and read as follows, to wit:

*Gentlemen of the Senate,*

I nominate for your advice and consent, George Britton, major general of the new division denominated the 12th.

David Hogan, brigadier general of the 18th brigade, in place of George Britton, if promoted.

William Smith, brigadier general of the new brigade denominated the 24th.

Johnson Dysert, colonel of the 79th regiment, in place of William Smith, if promoted.

William Fish, lieutenant colonel of the same regiment, in place of Johnson Dysert, if promoted.

Charles C. Carson, major of the same regiment, in place of William Fish, if promoted.

Daniel Miller, colonel of the 54th regiment, in place of David Hogan, if promoted.



Golsin Bailey, lieutenant colonel of the same regiment, in place of Daniel Miller, if promoted.

Jeremiah C. Orear, lieutenant colonel of the 34th regiment, in place of Thomas Jameson, resigned.

Alexis Tipton, major of the same regiment, in place of Jeremiah C. Orear, if promoted.

Richard Ballenger, notary public in and for the county of Knox.

#### GABL. SLAUGHTER.

February 2d, 1819.

A message from the house of representatives, by Mr. T. Ward :

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to amend the act establishing a turnpike on the road leading from the mouth of Big Sandy through the counties of Greenup and Lewis in a direction to Flemingsburg, to Joseph Watkins", approved January 31, 1818 ;" in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Underwood :

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to amend the charter of the Bank of Green river ;" in which they request the concurrence of the senate.

And then he withdrew.

And then the senate adjourned.

#### WEDNESDAY, FEBRUARY 3, 1819.

The senate assembled.

A message from the house of representatives, by Mr. Caldwell :

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act for the benefit of the Bethel academy ;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time ; and the rule being dispensed with, it was read a second time, amended at the clerk's table and read a third time.

*Resolved*, That the said bill as amended do pass, and that the title be amended to read "an act for the benefit of the Bethel and Bourbon academies."

*Ordered*, That Mr. Bledsoe inform the house of representatives thereof, and request their concurrence in the amendments.

A message from the house of representatives, by Mr. Underwood :

*Mr. Speaker*.—The house of representatives have passed a bill entitled “an act to run the boundary line between this state and the state of Tennessee, west of the Tennessee river,” and they have adopted a memorial to congress relative to the southern boundary line of this state; in which they request the concurrence of the senate.

And then he withdrew.

Which bill and memorial were severally read; and the rule being dispensed with, the bill was read a second time, and they were both ordered to be laid on the table.

A bill to amend an act entitled an act to amend the militia laws, was taken up and committed to messrs. Davidson, Faulkner, Harrison, Jones and Eve.

A message from the house of representatives, by Mr. M'Closky :

*Mr. Speaker*.—The house of representatives have passed a bill entitled “an act to establish the town of Bloomfield, in Nelson county, and for other purposes;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time; and the rule being dispensed with, it was read a second time and committed to messrs. Churchill, Perrin and Davidge.

And after a short time, Mr. Churchill reported the same with amendments, which being twice read were concurred in; and the rule being again dispensed with, it was read a third time as amended.

*Resolved*, That the said bill as amended do pass, and that the clerk inform the house of representatives thereof and request their concurrence in the amendments.

Bills from the house of representatives of the following titles, to wit: 1. An act authorising the payment of a sum of money due by the commonwealth to John Hunter; 2. an act to erect the county of Owen out of the counties of Franklin, Scott and Pendleton; 3. an act for the relief of Joseph C. Belt; 4. an act authorising suits against heirs and devisees in certain cases, and limiting the time of bringing suit against executors and administrators; 5. an act to amend an act entitled an act for the relief of Peter Sibert; 6. an act to amend the charter of the bank of Green river; 7. an act to alter

and amend the law concerning usury ; 8. an act to amend and continue in force for a longer period the charter of the Bank of Kentucky ; and 9. an act to amend the act establishing a turnpike on the road leading from the mouth of Big Sandy through the counties of Greenup and Lewis in a direction to Flemingsburg, to Joseph Watkins', approved January 31, 1818 ; were severally read the first time.

The rule being dispensed with, the first, second, third, fourth and fifth bills were read a second time, and the first a third time.

*Resolved*, That the first bill do pass, and that Mr. Crutcher inform the house of representatives thereof.

The second was committed to messrs. Davidge, Bartlett, Southgate and Thompson ; the fourth to messrs. Bledsoe, Barry, Southgate and Owens.

The third and fifth were ordered to be laid on the table.

The sixth was committed to a committee of the whole house on the state of the commonwealth for to-morrow.

The seventh and eighth were ordered to be read a second time.

And the question being taken on reading the ninth a second time, it was resolved in the negative ; and so the said bill was rejected.

*Ordered*, That the clerk inform the house of representatives thereof.

*Ordered*, That the public printers forthwith print 50 copies of the eighth bill, for the use of the members of the senate.

A message from the house of representatives, by Mr. Hardin :

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act concerning certain offences committed by slaves, and giving the circuit courts jurisdiction of the trial of slaves for capital offences ;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time ; and the question being taken on reading the said bill a second time, it was resolved in the negative, and so the said bill was rejected.

*Ordered*, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Harrison :

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to reduce the damages on protested in-

land bills of exchange;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up, read the first time and ordered to be laid on the table.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit: An act to declare Great Sandy river a navigable stream; an act for the benefit of Eliza G. Ball; an act concerning the duties of the register of the land-office; an act for the benefit of James Elder; an act vesting certain powers in the trustees of the towns of Flemingsburg and Lebanon; an act allowing an additional number of justices of the peace to certain counties in this commonwealth; an act for the relief of the surveyors of Jefferson and Garrard counties; an act for the relief of the administrators and heirs of John Stapp, deceased; an act authorising the payment of a sum of money due by the commonwealth to John Hunter; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Johnston:

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed the said bills, being the same just reported by Mr. Yancey, and they were delivered to the joint committee, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Yancey, from the committee, reported that they had performed that duty.

Mr. Davidge, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances have according to order had under consideration the petition of Butler and Wood, praying that the price of binding the acts of the general assembly may be raised to thirty cents, and have come to the following resolution thereupon, to wit:

*Resolved*, That said petition is reasonable.

Which being twice read was concurred in.

The nominations made on yesterday were taken up and read.

*Resolved*, That the senate advise and consent to the said appointments.

*Ordered*, That Mr. Eve acquaint the lieutenant-governor therewith.

Mr. Eve moved for leave to bring in a bill to establish an additional judicial district; and the question being taken thereon, it was resolved in the negative.

A message from the house of representatives, by Mr. Lackey:

Mr. *Speaker*—The house of representatives concur in the amendment proposed by the senate to a bill entitled "an act to amend an act regulating the town of Prestonsburg, in Floyd county."

And then he withdrew.

On the motion of Mr. Churchill, leave was given him to report a bill to establish a ferry on the land of the trustees of the Jefferson seminary, which was read the first time.

The rule being dispensed with, it was read a second time and committed to the committee for courts of justice.

The senate received a message in writing from the lieutenant-governor, by Mr. Waggener, containing a nomination, which was taken up and read as follows, to wit:

*Gentlemen of the Senate,*

I nominate for your advice and consent, James Baskett, sheriff of the county of Nicholas, in place of Thomas Metcalfe, resigned.

GABL. SLAUGHTER.

February 3d, 1819.

Which was committed to the committee for courts of justice.

They also received information that the lieutenant-governor did on to-day approve and sign sundry enrolled bills which originated in the senate, of the following titles: An act allowing an additional number of justices of the peace to certain counties in this commonwealth; an act for the relief of the surveyors of Jefferson and Garrard counties; an act for the relief of Eliza G. Ball; an act for the relief of the administrators and heirs of John Stapp, deceased; an act concerning the duties of the register of the land-office; an act vesting certain powers in the trustees of the towns of Flemingsburg and Lebanon; an act for the benefit of James Elder.

*Ordered*, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Todd, their secretary:

Mr. *Speaker*—The house of representatives concur in the amendments proposed by the senate to bills of the following



titles, to wit: An act for the benefit of John P. Thomas, late treasurer; an act giving additional powers to the trustees of the towns of Louisville and Nicholasville: They disagree to the amendments proposed to a resolution for the purchase and disposition of a certain number of copies of Munsell's Map of Kentucky; they recede from their disagreement to an amendment proposed by the senate upon concurring in the amendment offered by the house of representatives to a bill entitled "an act to establish an election precinct in Estill county;" they disagree to the first, second and seventh amendments proposed by the senate to a bill entitled "an act to amend the laws incorporating independent banks," and they concur in the third, fourth, fifth, sixth and eighth, with amendments to the fourth, fifth and eighth: And they have passed a bill entitled "an act to amend an act entitled an act to amend an act incorporating the Lexington and Louisville turnpike road company." In which amendments and bill they request the concurrence of the senate.

And then he withdrew.

The amendments proposed by the senate to the bill entitled "an act to amend the laws incorporating independent banks," were taken up and read.

*Resolved*, That the senate insist on their first, second and eighth amendments; that they recede from the seventh, and concur in the amendments proposed to their fourth and fifth amendments.

The question being taken on insisting on their eighth amendment, which was read as follows, to wit:

*Be it further enacted*, That hereafter the sum of one half per cent. is hereby laid on each share in the joint and capital stock of the Bank of Kentucky, (except on the stock owned by the state) as a tax, in lieu of the tax now imposed by law, to be paid by the president, directors and cashier of said bank in the treasury of this state, at the times and in the manner and under the same rules and regulations as now required by law.

It was resolved in the affirmative—Yeas 16, nays 14.

The yeas and nays being required thereon by messrs. Johnson and Bledsoe, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Barry, Bartlett, Churchill, Eve, Faulkner, Ford, Griffin, Harrison, Johnson, Mason, Owens, Perrin, Slaughter, South, Thompson and Worthington.

Those who voted in the negative, are, Mr. Speaker, and messrs. Bledsoe, Bridges, Crutcher, Davidge, Davidson,

Fleming, Given, Jones, Southgate, Taylor, Wilson, Wood and Yancey.

*Ordered*, That the clerk inform the house of representatives thereof.

The resolution for the purchase and disposition of a certain number of copies of Munsell's Map of Kentucky, and the amendments proposed thereto by the senate, were again read.

*Resolved*, That the senate insist on their amendment, and that the clerk inform the house of representatives thereof.

An engrossed bill to amend the act establishing independent banks, was read a third time as follows, to wit:

Whereas the president, directors and stockholders of the Bank of Cynthiana have petitioned the legislature to so alter and change the charter of said bank, as to make the president, directors and shareholders liable for all notes issued from said bank: Therefore,

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That from and after the first day of August next, the president and directors of the Bank of Cynthiana shall be answerable out of their private or individual estate, for all notes issued or put into circulation after said date. And to prevent resignations made with a view of avoiding responsibility, a president and directors shall remain liable under the meaning of this act, notwithstanding any resignation, until a successor shall be elected, and shall enter upon the duties of his office: *Provided, however*, that if such president or directors shall show that the affairs of the bank have been faithfully and honestly administered, and that its inability to pay its debts has been owing to misfortunes beyond the control of the president and directors of the institution, he or they shall not be held individually responsible; but nothing in this section contained shall lessen their liability as stockholders.

§ 2. Every person elected as a president or director, shall, before entering on the duties of his office, have a right to examine minutely into the situation of the institution, its dealings and transactions.

§ 3. The stockholders of said institution shall in like manner be answerable out of their private and individual estate, to an amount equal to their stock in such institution, for all notes put in circulation after said date.

§ 4. Suits within this act against the president, directors and stockholders, to charge them in their individual characters, may be brought severally against either, or jointly

against any two or more of them. But no suit shall be so brought against them until the creditor shall first obtain judgment against the institution, and have a *fieri facias* placed in the hands of the proper officer, and it shall be returned in substance not satisfied. A transcript of the record of the suit against the corporation, shall be evidence of the plaintiff's demand against the corporation, and of their failure or refusal to pay the same.

§ 5. *Be it further enacted*, That in all suits brought against the president, directors and stockholders of any corporation in virtue of this act, it shall be the duty of the cashier or clerk holding the books showing who are the president, directors and stockholders of the company or corporation, to exhibit the same in court when subpoenaed; and said books shall be *prima facie* evidence of the fact which may appear from the inspection of them. And no transfer of stock made after suit brought against any stockholder, shall exempt such stockholder from his liability under the provisions of this act.

§ 6. If said institution shall, after said first day of August next, issue or circulate, or cause to be issued or circulated, any one bank note of a date prior to said day, it shall be *prima facie* evidence that any other note sued on after said date has been so issued; and if any defendant shall allege that the note sued on was issued before, and not after said day, the burthen of the proof of such allegation shall lie on the defendant: *Provided*, the plaintiff adduce proof of the fact aforesaid.

§ 7. It shall be lawful for any of the stockholders of said institution, on or before the said first day of August next, to give notice of his wish to withdraw his stock from such institution. After such notice given, the stockholder may discount or set off his stock in such institution (according to the amount he has paid in) against any debt he may owe the institution. After such notice, the institution may, within sixty days thereafter, pay him by the assignment of any note discounted by such institution, on any person resident in the county in which such institution is situated; in which payment legal interest shall be allowed to the stockholder from the time of the last dividend made to the time the note may fall due; but no note shall be so transferred that may be under protest. If the institution shall not so pay the stockholders giving notice as aforesaid, the amount of their stock, together with their due proportion of the dividends, it shall be paid on the first day of January 1820, as other debts due by the institution.

§ 8. The executor or administrators of deceased persons, or the guardian or parent of any infant, may give the notice and withdraw the stock under this act.

§ 9. Said bank shall not issue any note or notes less than one dollar.

§ 10. The president and directors shall publish annually in some newspaper of this state authorised by law to insert advertisements, the names of all those who were stockholders on the day of the annual election for officers; and no transfer of stock made by a stockholder after suit is brought against him, shall defeat the action; and such publication shall be *prima facie* evidence in any suit at law against any such stockholder or stockholders, that they are stockholders.

And an engrossed bill to continue in force an act to suspend law process in certain cases, was read a third time.

The question being taken on the passage of the former, it was resolved in the negative—Yeas 14, nays 17.

The yeas and nays being required thereon by messrs. Crutcher and Perrin, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Bledsoe, Bridges, Davidge, Ford, Given, Jones, Perrin, South, Southgate, Taylor, Wilson, Wood, and Yancey.

Those who voted in the negative, are, messrs. Barry, Bartlett, Chambers, Churchill, Crutcher, Davidson, Eve, Faulkner, Fleming, Griffin, Harrison, Johnson, Mason, Owens, Slaughter, Thompson and Wickliff.

And so the said bill was rejected.

The question was then taken on the passage of the latter bill, and it was resolved in the affirmative—Yeas 19, nays 12.

The yeas and nays being required thereon by messrs. Jones and Eve, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Bartlett, Bledsoe, Bridges, Chambers, Churchill, Crutcher, Fleming, Given, Harrison, Owens, Slaughter, South, Southgate, Taylor, Thompson, Wickliff, Wilson, Worthington and Yancey.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Davidge, Eve, Faulkner, Ford, Griffin, Johnson, Jones, Mason, Perrin and Wood.

*Resolved*, That the said bill do pass, and that the title be “an act to continue in force an act to suspend law process in certain cases.

*Ordered*, That Mr. Bledsoe do carry said bill to the house of representatives, and request their concurrence.

A bill for the benefit of Thomas Triplett, was read a second time, amended at the clerk's table and ordered to be engrossed and read a third time.

A bill from the house of representatives, entitled "an act to provide for the revision of the statute laws of this commonwealth," was read a second time and committed to a committee of the whole house on the state of the commonwealth.

A message from the house of representatives, by Mr. Pope :

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act appropriating the bonus of the Farmers and Mechanics' Bank of Lexington to the Transylvania University for three years;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up, read the first time, and the question being taken on reading the said bill a second time, it was resolved in the affirmative—Yeas 20, nays 11.

The yeas and nays being required thereon by messrs. Harrison and Southgate, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Bridges, Churchill, Davidge, Davidson, Eve, Faulkner, Fleming, Given, Johnson, Jones, Mason, Perrin, Slaughter, South, Taylor, Thompson and Yancey.

Those who voted in the negative, are, messrs. Bartlett, Crutcher, Ford, Griffin, Harrison, Owens, Southgate, Wickliff, Wilson, Wood and Worthington.

A message from the house of representatives, by Mr. Harrison :

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act to incorporate the Beech Fork Navigation Company, with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The amendments were taken up and severally read ; and the 1st, 2d, 3d, 5th, 6th, 7th, 8th and 12th concurred in, and the 4th, 9th, 10th, 11th, 13th, 14th and 15th disagreed to.

*Ordered*, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Barrett :

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act for the relief of Elizabeth Armstrong."



And then he withdrew.

A bill from the house of representatives, entitled "an act to amend an act entitled an act to amend an act incorporating the Lexington and Louisville Turnpike Road Company," was read the first time; and the rule being dispensed with, it was read a second and third time.

*Resolved*, That the said bill do pass, and that the clerk inform the house of representatives thereof.

Mr. Fleming, from the committee to whom was referred the petition of George M. Bedinger, reported a bill for his benefit.

And then the senate adjourned.

#### THURSDAY, FEBRUARY 4, 1819.

The senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit: An act giving additional powers to the trustees of the towns of Louisville and Nicholasville; an act allowing coroners and elisors pay for certain services; an act to authorise the sale of the donation lands of Salem academy; an act concerning the town of Versailles; an act to repeal the act of the 23d January 1818, relative to Morgantown; an act to amend an act regulating the town of Prestonsburg, in Floyd county; an act to authorise William and James Newton to build a dam and water grist and saw mill on Rough creek, in Ohio county; an act for the benefit of John P. Thomas, late treasurer; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Johnston:

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being the same reported to-day by Mr. Yancey, and they were delivered to the joint committee of enrolments, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Yancey reported that the committee had performed that duty.

Mr. Barry, from the committee for courts of justice, made the following report, to wit:

The committee for courts of justice have according to order had under consideration the nomination of James Baskett, as sheriff of Nicholas county, in the place of Thomas Metcalfe, resigned, and have come to the following resolution thereon, to wit :

*Resolved*, That the senate do not advise and consent to said appointment.

The resolution being amended by striking out the word "not," and the question being taken upon concurring in the resolution as amended, it was resolved in the negative—Yeas 15, nays 15.

The yeas and nays being required thereon by messrs. Churchill and Crutcher, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Bridges, Chambers, Davidge, Davidson, Fleming, Ford, Given, Owens, Perrin, Southgate, Thompson, Wickliff, Wood and Yancey.

Those who voted in the negative, are, messrs. Barry, Bartlett, Churchill, Crutcher, Eve, Faulkner, Griffin, Harrison, Jones, Mason, Slaughter, South, Taylor, Wilson and Worthington.

The vote being equal, the speaker declared the resolution disagreed to.

*Resolved*, That the senate do not advise and consent to the said appointment.

*Ordered*, That Mr. Fleming acquaint the lieutenant-governor therewith.

Mr. Barry, from said committee, also made the following report, to wit :

The committee of courts of justice have according to order had under consideration a bill to establish the Francis Peart college, and have come to a determination thereupon, and beg leave to recommend the adoption of the following resolution, viz.

*Resolved*, That the said bill ought not to pass.

And the question being taken upon concurring in the resolution, it was decided in the affirmative—Yeas 19, nays 7.

The yeas and nays being required thereon by messrs. Bartlett and Crutcher, were as follows, to wit :

Those who voted in the affirmative, are, messrs. Bridges, Chambers, Churchill, Crutcher, Davidge, Davidson, Faulkner, Ford, Given, Griffin, Harrison, Owens, Perrin, Slaughter, South, Southgate, Taylor, Wilson and Worthington.

Those who voted in the negative, are, messrs. Barry, Bledsee, Fleming, Jones, Mason, Thompson and Yancey.

On the motion of Mr. Yancey,

*Ordered*, That the committee of the whole house on the state of the commonwealth be discharged from the further consideration of a bill from the house of representatives, entitled "an act to amend the charter of the Bank of Green river."

The said bill was taken up, amended at the clerk's table and read a third time.

*Resolved*, That the said bill as amended do pass, and that Mr. Yancey inform the house of representatives thereof and request their concurrence in the amendment.

A message from the house of representatives, by Mr. T. Ward :

Mr. *Speaker*—The house of representatives have passed bills of the following titles, to wit : An act to establish the true line between the counties of Floyd and Greenup ; an act further to regulate the proceedings of the county court of Fayette ; and an act concerning the marriage of Milton Gray : In which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives, by Mr. Jones :

Mr. *Speaker*—The house of representatives have passed a bill entitled "an act for the relief of David Woodruff and David Harris ;" in which they request the concurrence of the senate.

And then he withdrew.

Mr. Crutcher, in the majority of the vote taken on yesterday, whereby a bill from the house of representatives, entitled "an act to amend the act establishing a turnpike on the road leading from the mouth of Big Sandy through the counties of Greenup and Lewis in a direction to Flemingsburg and Joseph Watkins", approved January 31, 1818," was rejected, moved to re-consider the vote ; and it being resolved in the affirmative, the bill was read a second time and committed to Messrs. Chambers, South, Mason, Fleming, Bledsoe, Owens, Barry and Crutcher.

Mr. Owens, from the committee on the part of the senate, appointed for that purpose, made the following report, to wit :

The committees of free conference on the disagreeing votes of the two houses relative to the bill entitled "an act to amend and reduce into one the several acts authorising changes of venue," recommend the following course :

That the house of representatives insist on their amendments.

That the senate recede from their disagreement, and agree to the amendments of the house of representatives, with certain amendments, which were read as follows, to wit :

After the word "shall," in the 5th line of the 1st section of the amendment of the house of representatives, add "on the application of either party."

Strike out the two last lines of the 2d section.

Add this section :

All laws prohibiting the removal of a cause by change of venue after issue joined, shall be, and are hereby repealed.

A message from the house of representatives, by Mr. Hardin :

Mr. *Speaker*—The house of representatives insist on their amendments to a bill entitled "an act to amend and reduce into one the several acts authorising changes of venue in civil cases."

And then he withdrew.

The said amendments were taken up and read again.

*Resolved*, That the senate recede from their disagreement to said amendments, and that they concur in them with the amendments proposed by the committee of conference.

*Ordered*, That the clerk inform the house of representatives thereof, and request their concurrence in said amendments.

Mr. Davidson, from the committee to whom was referred a bill to amend the militia laws, reported the same with amendments, which were twice read and concurred in with amendments.

*Ordered*, That the said bill as amended be engrossed and read a third time.

A message from the house of representatives, by Mr. Baylor :

Mr. *Speaker*—The house of representatives solicit a conference on the disagreement of the two houses relating to the amendments proposed by the senate to a bill entitled "an act to amend the laws incorporating independent banks," and have appointed a committee on their part.

And then he withdrew.

Whereupon messrs. Barry, Owens, Fleming and Wickliff were appointed a committee of conference on the part of the senate.

A bill for the benefit of George M. Bedinger, was read the first time ; and the question being taken on reading the said

bill a second time, it was resolved in the affirmative—Yeas 20, nays 9.

The yeas and nays being required thereon by messrs. Fleming and South, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Bridges, Churchill, Crutcher, Davidson, Davidson, Eve, Ford, Given, Griffin, Harrison, Johnson, Perrin, Slaughter, Southgate, Taylor, Wickliff and Yancey.

Those who voted in the negative, are, messrs. Faulkner, Fleming, Jones, Mason, Owens, South, Thompson, Wilson and Worthington.

An engrossed bill for the relief of Thomas Triplett, was read a third time and committed to the committee for courts of justice.

Bills from the house of representatives of the following titles, to wit: An act for the relief of Joseph C. Belt; an act to amend an act entitled an act for the relief of Peter Sibert; and an act to alter and amend the law concerning usury.

The first was amended at the clerk's table, and they were severally read, the first and second a third time, and the third a second time.

*Resolved*, That the first and second bills do pass, the first as amended, and that the clerk inform the house of representatives thereof and request their concurrence in said amendment.

The senate received a message in writing from the lieutenant-governor, by Mr. Secretary Pope, containing certain nominations, which were taken up and read as follows, to wit:

*Gentlemen of the Senate,*

I nominate for your advice and consent, William Warren, (of Scott county) circuit judge of the 4th judicial district, in place of Silas M. Noel, whose commission will expire at the end of the present session.

Eli Shortridge, circuit judge of the 11th judicial district, in place of Benjamin Mills, resigned.

GABL. SLAUGHTER.

February 4th, 1819.

A bill from the house of representatives, entitled "an act to amend and continue in force for a longer period the charter of the Bank of Kentucky," was read a second time as follows, to wit:

§ 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That the laws incorporating the presi-



dent, directors and company of the Bank of Kentucky, as now in force, shall continue and remain in force until the end of the year one thousand eight hundred and forty-one; subject, however, to the following amendments:

§ 2. No person shall act as a director of the Bank of Kentucky, or of any of the branches, who shall not be the owner of five shares in the capital of said bank. Not more than two-thirds of the directors of the Bank of Kentucky, or of its branches, who are in office at the time of an annual election, shall be elected for the next succeeding year; and no director shall hold his office more than three years out of four in succession. Nothing in this section shall be construed to relate to the president of the bank, or any of the branches.

§ 3. *And be it further enacted*, That the president of the Bank of Kentucky shall annually make a return to the clerk of the house of representatives, and the secretary of the senate, on or before the third day of each session of the general assembly, of the names of all the presidents, directors and other officers of its branches.

§ 4. The stockholders resident in a county where a branch of the bank may be located, and those resident in any adjoining county in which a branch may not be located, shall, at such time and manner as shall be prescribed by the by-laws of the corporation, recommend (by votes according to their stock) as many persons for directors as shall be allowed to the branch; and the directory of the Bank of Kentucky shall appoint at least three-fourths of the directors of such branch from said list.

§ 5. A director of the bank, or of the branches, may have on loan, in addition to the sum now allowed by law, a sum not exceeding one half of the amount of the stock held by such director in the institution: *Provided, however*, that the directory of the Bank of Kentucky may limit the amount which the directors of any of the branches may have on loan.

§ 6. A director shall not be an indorser on notes discounted to a greater amount than ten thousand dollars: *Provided, however*, that the indorsement of a note given to a director on a real transaction, shall not preclude the note from discount, on its being properly and sufficiently indorsed by others, exclusive of such director.

§ 7. No additional branch bank shall be established without the concurrence of two-thirds of the directors elected by the state, and two-thirds of those elected on behalf of the stockholders, nor without the assent of the general assembly. If a branch shall at any time prove unproductive, (that is,

does not yield a fair bank profit, after paying its due proportion of expences) it shall be the duty of the directory to withdraw such branch.

§ 8. The stockholders shall at their annual meeting elect one visiter, and the legislature may annually by joint ballot elect another, who shall not be directors of the bank or either of its branches, or members of either branch of the general assembly. The visitors shall have full power and authority, at all times and on all occasions, to enter into the bank and its branches; to examine the funds on hand, the books, papers, dealings and transactions of every kind of the bank and its branches; to require statements and explanations, in writing or verbal, of their dealings and course of business. And whenever they shall be of opinion that the interest of the institution requires it, they shall make reports, general or special, to the stockholders, or to the general assembly, or to the public. The stockholders may authorise the visitors to appoint deputies, or substitutes; they may, on extraordinary occasions, allow them compensation for their trouble, or may increase their numbers.

§ 9. It shall be the duty of the president and directors to prepare by-laws, and submit them to the legislature at their next session, and the stockholders at their next general meeting; when, if the general assembly or stockholders do not dissent from such by-laws, they shall be considered adopted.

§ 10. The president and directors may at any time purchase in any stock pledged to them, and which it shall become necessary to sell.

§ 11. If any stockholder shall be desirous of withdrawing his stock from the institution, at the expiration of the term for which the bank was first incorporated, it shall be his duty to give notice of such intention, in the month of January in the year 1821, and cause the same to be entered in a book to be provided for that purpose. On such notice the president and directors shall take such measures as may be most expedient for paying such stock in the course of that year, in such mode as may be mutually agreed on; or for paying off such stock, with its due proportion of dividends and surplus profit, at the end of the year.

§ 12. *And be it further enacted*, That for the purpose of ascertaining the true amount due each individual stockholder so withdrawing his stock, it shall be the duty of the president and directors of the Bank of Kentucky to cause the real and personal property of the bank to be valued by commissioners by them appointed for that purpose; and the said commis-

sioners shall, before they enter on the duties aforesaid, take an oath to make a true and fair valuation of all property which they shall be requested to value.

§ 13. An executor or administrator of a deceased stockholder, and the guardian or parent of an infant stockholder, may give the notice for withdrawing the stock, within the provisions of this act.

§ 14. From and after the last day of December 1821, there shall be paid by the said bank an annual tax or bonus of fifty cents on each hundred dollars of the capital stock thereof.

§ 15. *Be it further enacted*, That no person shall be eligible to the office of president or director of the principal bank, or any branch thereof, who may be a member of either house of the general assembly of this commonwealth; and any president or director of the principal bank, or any of its branches, who shall be elected to either house of the general assembly, shall by his election to the general assembly vacate his office as president or director, and be ineligible one year thereafter, and the vacancy shall be filled in the same manner as if it had taken place by death or resignation.

§ 16. *And be it further enacted*, That it shall be lawful for the attorney-general to sue out a *scire facias* against the Bank of Kentucky, in the general court, summoning the president, as the representative of the said bank, to show cause why the charter of said bank shall not be declared forfeited; and the attorney-general shall file a statement of those facts by which the said bank may have forfeited its charter, upon which an issue shall be made up and a trial had; and if the issue is found against the bank, the court shall declare the charter forfeited; after which the said bank may sue and be sued in its corporate name for two years, for the purpose of winding up its affairs, and not longer.

§ 17. *Be it further enacted*, That the salaries of the president, cashier and other officers of the bank and its branches, shall be fixed by law.

§ 18. Nothing in this act shall be so construed as to take from future legislatures the right to repeal this act of incorporation.

Mr. Fleming moved to amend the said bill by inserting the words "and those who do not reside in an adjoining county, at the nearest site of a branch bank," after the word "located," recurs the second time in the fourth section.

And the question being taken thereon, it was resolved in the negative—Yeas 11, nays 20.

The yeas and nays being required thereon by messrs. Churchill and Southgate, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Churchill, Eve, Fleming, Griffin, Hardin, Harrison, Johnson, Mason, Perrin, Wickliff and Worthington.

Those who voted in the negative, are, Mr. Speaker, and messrs. Bartlett, Bledsoe, Bridges, Chambers, Crutcher, Davidge, Davidson, Faulkner, Ford, Jones, Owens, Slaughter, South, Southgate, Taylor, Thompson, Wilson, Wood and Yancey.

Mr. Barry then moved to amend the bill by attaching thereto the following section, to wit:

That the said corporation shall not at any time suspend or refuse payment in gold or silver, of any of its notes, bills or obligations; nor of any monies received upon deposit in said bank or any of its branches. And if the said corporation shall at any time refuse or neglect to pay on demand any bill, note or obligation issued by the corporation, according to the contract, promise or undertaking therein expressed; or shall neglect or refuse to pay on demand any monies received in said bank or in any of its branches on deposit, to the person or persons entitled to receive the same, then and in every such case the holder of any such note, bill or obligation, or the person or persons entitled to demand and receive such monies as aforesaid, shall respectively be entitled to receive and recover interest on the said bill, notes, obligations or monies, until the same shall be fully paid and satisfied, at the rate of \_\_\_\_\_ per centum per annum from the time of such demand as aforesaid: *Provided*, that the legislature may at any time hereafter enact laws enforcing and regulating the recovery of the amount of the notes, bills, obligations or other debts of which payment shall be refused as aforesaid, with the rate of interest above mentioned, vesting jurisdiction for that purpose in any courts in this commonwealth, either of law or equity, having jurisdiction in like cases.

And the question being taken thereon, it was resolved in the negative—Yeas 12, nays 19.

The yeas and nays being required thereon by messrs. Barry and Mason, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Churchill, Eve, Griffin, Hardin, Harrison, Johnson, Mason, Perrin, Wickliff and Wood.

Those who voted in the negative, are, messrs. Bartlett, Bledsoe, Bridges, Chambers, Crutcher, Davidge, Davidson,

Faulkner, Fleming, Ford, Jones, Owens, Slaughter, South, Southgate, Taylor, Thompson, Worthington and Yancey.

Mr. Wickliff then moved to amend the bill by striking out the fifteenth section; and the question being taken thereon, it was resolved in the negative—Yeas 8, nays 25.

The yeas and nays being required thereon by messrs. Wickliff and Griffin, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Churchill, Eve, Fleming, Griffin, Hardin, Mason, Owens and Wickliff.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Chambers, Crutcher, Davidge, Davidson, Faulkner, Ford, Given, Harrison, Johnson, Jones, Perrin, Slaughter, South, Southgate, Taylor, Thompson, Wilson, Wood, Worthington and Yancey.

Mr. Perrin then moved to amend the bill by striking out the word "additional" from the seventh section; and the question being taken thereon, it was resolved in the negative—Yeas 4, nays 29.

The yeas and nays being required thereon by messrs. Perrin and Bridges, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Hardin, Johnson, Mason and Perrin.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Chambers, Churchill, Crutcher, Davidge, Davidson, Eve, Faulkner, Fleming, Ford, Given, Griffin, Harrison, Jones, Owens, Slaughter, South, Southgate, Taylor, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.

Mr. Fleming then moved to amend the bill by adding the following clause to the twelfth section, to wit:

And after the first day of January in the year 1821, the Bank of Kentucky and its branches shall be confined to a new issue of bank paper, and proceed to take in all notes then in circulation, so as to enable them to distribute to the shareholders their due portion of all the notes of said bank which may have been issued and lost or destroyed.

And the question being taken thereon, it was resolved in the negative—Yeas 8, nays 25.

The yeas and nays being required thereon by messrs. Fleming and Southgate, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Barry, Churchill, Fleming, Griffin, Hardin, Johnson, Mason and Wickliff.



Those who voted in the negative, are, Mr. Speaker, and messrs. Bartlett, Bledsoe, Bridges, Chambers, Crutcher, Davidge, Davidson, Eve, Faulkner, Ford, Given, Harrison, Jones, Owens, Perrin, Slaughter, South, Southgate, Taylor, Thompson, Wilson, Wood, Worthington and Yancey.

Mr. Johnson then moved to amend the bill by striking out the residue of the twelfth section after the word "stock," and inserting in lieu thereof the following clause, to wit :

It shall be the duty of the general court, on or before the first day of September 1821, to appoint three honest, disinterested and intelligent persons, whose duty it shall be to value all the real and personal estate of said bank, and report the same to the president and directors, on or before the first of December in the same year ; and the directory of the bank, at the time of notifying said commissioners of their appointment, shall also furnish them with a descriptive list of the property belonging to said bank ; and the said commissioners shall, before they proceed upon the duties, advertise in the paper of the public printer, at least thirty days, the time of their viewing each parcel of property to value the same, that the stockholders may attend at said valuation. That said property when so valued shall vest in the remaining stockholders of said bank.

And the question being taken thereon, it was resolved in the negative—Yeas 9, nays 23.

The yeas and nays being required thereon by messrs. Johnson and Perrin, were as follows, to wit :

Those who voted in the affirmative, are, messrs. Barry, Churchill, Fleming, Griffin, Hardin, Johnson, Mason, Perrin and Wickliff.

Those who voted in the negative, are, Mr. Speaker, and messrs. Bartlett, Bledsoe, Bridges, Crutcher, Davidge, Davidson, Eve, Faulkner, Ford, Given, Harrison, Jones, Owens, Slaughter, South, Southgate, Taylor, Thompson, Wilson, Wood, Worthington and Yancey.

Mr. Crutcher then called for the previous question ; and the question being taken "shall the main question be now put ?" it was resolved in the affirmative—Yeas 19, nays 13.

The yeas and nays being required thereon by messrs. Fleming and Davidge, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Bartlett, Bledsoe, Bridges, Crutcher, Davidge, Davidson, Faulkner, Ford, Given, Harrison, Jones, Owens, Slaughter, Southgate, Taylor, Wilson, Worthington and Yancey.

Those who voted in the negative, are, messrs. Barry, Churchill, Eve, Fleming, Griffin, Hardin, Johnson, Mason, Perrin, South, Thompson, Wickliff and Wood.

Whereupon the question was taken on reading the said bill a third time, and it was resolved in the affirmative—Yeas 24, nays 7.

The yeas and nays being required thereon by messrs. Yancey and Southgate, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Bartlett, Bledsoe, Bridges, Churchill, Crutcher, Davidge, Davidson, Eve, Faulkner, Ford, Given, Harrison, Jones, Slaughter, South, Southgate, Taylor, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, messrs. Barry, Fleming, Griffin, Hardin, Johnson, Mason and Perrin.

A message from the house of representatives, by Mr. Hardin :

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled “an act to regulate the practice of the general court in certain cases.”

And then he withdrew.

A message from the house of representatives, by Mr. Pope :

*Mr. Speaker*—The house of representatives concur in the amendments proposed by the senate to bills of the following titles, to wit : An act to establish the town of Bloomfield, in Nelson county, and for other purposes ; and an act for the benefit of Bethel academy : And they have passed a bill from the senate, entitled “an act authorising certain county courts to appoint port wardens, and prescribing their duties,” with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were taken up, read and concurred in.

*Ordered*, That Mr. Churchill inform the house of representatives thereof.

A message from the house of representatives, by Mr. Underwood :

*Mr. Speaker*—The house of representatives concur in the amendment proposed by the senate to a bill entitled “an act to amend the charter of the Bank of Green river.”

And then he withdrew.

A message from the house of representatives, by Mr. Harrison :

Mr. *Speaker*—The house of representatives adhere to their 4th, 9th, 10th, 11th, 13th, 14th and 15th amendments to a bill entitled "an act to incorporate the Beech Fork Navigation Company."

And then he withdrew.

A bill from the house of representatives, entitled "an act appropriating the bonus of the Farmers and Mechanics' Bank of Lexington to the Transylvania University for three years," was read a second time.

Mr. Faulkner moved to amend it by attaching thereto the following section, to wit:

*And be it further enacted*, That the tax accruing to this commonwealth from the Kentucky Exporting Company, shall be, and the same hereby is appropriated to the seminary of learning in the town of Lancaster.

And the question being taken thereon it was resolved in the negative—Yeas 12, nays 17.

The yeas and nays being required thereon by messrs. Faulkner and Owens, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Bartlett, Eve, Faulkner, Ford, Griffin, Harrison, Owens, Perrin, Southgate, Wickliff, Wood and Worthington.

Those who voted in the negative, are, Mr. *Speaker*, and messrs. Barry, Bledsoe, Churchill, Crutcher, Davidge, Davidson, Fleming, Given, Hardin, Johnson, Mason, South, Taylor, Thompson, Wilson and Yancey.

The bill was amended at the clerk's table and ordered to be read a third time.

And then the senate adjourned.

#### FRIDAY, FEBRUARY 5, 1819.

The senate assembled.

Mr. Barry, from the committee for courts of justice, made the following report, to wit:

The committee of courts of justice have according to order had under consideration a bill to establish a ferry on the lands of the trustees of the Jefferson seminary, and have come to the following resolution thereon, to wit:

*Resolved*, That said bill ought not to pass.

Which being twice read was concurred in.

Mr. Barry, from said committee, to whom was referred the petition of Asa Blanchard and William Monroe, reported a bill for their benefit, which was read the first time; and the

rule being dispensed with, it was read a second and third time (having been engrossed).

*Resolved*, That the said bill do pass, and that the title be "an act for the benefit of Asa Blanchard and William Monroe."

*Ordered*, That the clerk do carry said bill to the house of representatives and request their concurrence.

Mr. Davidge, from the committee to whom was referred a bill from the house of representatives, entitled "an act to erect the county of Owen out of the counties of Franklin, Scott and Pendleton, reported the same with amendments, which were concurred in with amendments, and the bill read a third time as amended.

*Resolved*, That the said bill as amended do pass, and that the title be amended by inserting the word "Gallatin" after the word "Scott."

*Ordered*, That Mr. Davidge inform the house of representatives thereof, and request their concurrence in the amendments.

Mr. Yancey, from the joint committee of enrolments, reported that the committee had examined two enrolled bills of the following titles: An act to establish the town of Bloomfield, in Nelson county, and for other purposes; an act to amend the charter of the Bank of Green river; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Johnston:

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being those reported to-day by Mr. Yancey, and they were delivered to the joint committee, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Yancey reported that the committee had performed that duty.

A message from the house of representatives, by Mr. W. K. Wall:

*Mr. Speaker*—The house of representatives have passed a bill entitled "an act to incorporate the Burlington and Cynthiana library companies;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time; and the rule being dispensed with, it was read a second time, amended at the clerk's table and read a third time.

*Resolved*, That the said bill as amended do pass, and that the clerk inform the house of representatives thereof and request their concurrence in the amendment.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit:

By Mr. Johnson—A bill to authorise advertisements to be published in the Southern Gazette.

By the same—A bill prescribing the duties of the clerks of the circuit courts in certain cases.

And leave was given Mr. Davidson to report a bill to alter the time of holding certain circuit courts in the 12th judicial district.

Which were severally read the first time; and the rule being dispensed with, they were read a second and third time (having been engrossed).

The question being taken on the passage of the third bill, it was resolved in the affirmative—Yeas 25, nays 5.

The yeas and nays being required thereon by Messrs. Griffin and Davidson, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Bartlett, Bledsoe, Bridges, Churchill, Davidson, Eve, Faulkner, Fleming, Ford, Given, Hardin, Johnson, Jones, Mason, Perrin, Slaughter, South, Southgate, Taylor, Thompson, Wickliff and Yancey.

Those who voted in the negative, are, Messrs. Griffin, Harrison, Wilson, Wood and Worthington.

*Resolved*, That the said bills do pass, and that the titles be, respectively, "an act to authorise advertisements to be published in the Southern Gazette; an act prescribing the duties of the clerks of the circuit courts in certain cases; and an act to alter the time of holding certain circuit courts in the 12th judicial district."

*Ordered*, That Mr. Johnson do carry the first, and Mr. Davidson the second and third bills to the house of representatives, and request their concurrence.

Mr. Bartlett moved the following resolution, to wit:

*Resolved by the Senate*, That the secretary of state be requested forthwith to lay before the senate all the recommendations in his possession or filed in the secretary's office, in favor of persons to fill the office of circuit judge for the fourth and eleventh judicial districts.



And the question being taken on adopting said resolution, it was resolved in the affirmative—Yeas 17, nays 14.

The yeas and nays being required thereon by Messrs. Southgate and Churchill, were as follows, to wit :

Those who voted in the affirmative, are, messrs. Barry, Bartlett, Bledsoe, Crutcher, Davidge, Faulkner, Fleming, Ford, Given, Johnson, Jones, Owens, Perrin, South, Taylor, Wood and Yancey.

Those who voted in the negative, are, Mr. Speaker, and messrs. Chambers, Churchill, Davidson, Eve, Griffin, Hardin, Harrison, Mason, Slaughter, Southgate, Thompson, Wickliff and Wilson.

*Ordered*, That Mr. Bartlett acquaint the secretary therewith.

The amendments proposed by the house of representatives to a bill entitled “an act to incorporate the Beech Fork Navigation Company,” were again taken up and read.

*Resolved*, That the senate adhere to their disagreement to said amendments, and that Mr. Wickliff inform the house of representatives thereof.

Bills from the house of representatives of the following titles, to wit : An act to reduce the damages on protested inland bills of exchange, was taken up and read as follows, to wit :

*Be it enacted by the general assembly of the commonwealth of Kentucky*, That if any person or persons shall hereafter draw or indorse any bill of exchange, payable at any place out of this state, but within any other of the United States of North America, or any of its territories, and the same being returned back unpaid, with a legal protest, the drawer thereof, and all others concerned, shall pay the contents of said bill, with legal interest from the time the said bill was protested, the charges of protest, and two per cent. advance for the damage thereof, and so proportionable for greater or lesser sums.

Any law coming within the purview of this act, shall be, and the same is hereby repealed.

And an act to run the boundary line between this state and the state of Tennessee, west of the Tennessee river, was read a second time.

And the question being taken on reading the former bill a second time, it was resolved in the negative—Yeas 16, nays 17.

The yeas and nays being required thereon by Messrs. Bledsoe and Churchill, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Bartlett, Bledsoe, Bridges, Chambers, Davidge, Ford, Given, Griffin, Harrison, Mason, Owens, Perrin, South, Wilson and Wood.

Those who voted in the negative, are, Messrs. Barry, Churchill, Crutcher, Davidson, Eve, Faulkner, Hardin, Johnson, Jones, Slaughter, Southgate, Taylor, Thompson, Wickliff, Worthington and Yancey.

*Ordered*, That Mr. Wickliff inform the house of representatives thereof.

The latter bill was ordered to be laid on the table.

A message from the house of representatives, by Mr. G. Wall :

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act establishing a turnpike on the road leading from Georgetown to Cincinnati, and for other purposes;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time; and the rule being dispensed with, it was read a second time and laid on the table.

Bills from the house of representatives of the following titles, to wit: An act to establish the true line between the counties of Floyd and Greenup; an act further to regulate the proceedings of the county court of Fayette; an act for the benefit of Hetty Hall and others; an act concerning the marriage of Milton Gray; an act for the benefit of the heirs of Henry Garrard, deceased; and an act for the relief of David Woodruff and David Harris; were severally read the first time.

And the rule being dispensed with, the first, second, third, fourth and fifth bills were read a second and third time.

*Resolved*, That said bills do pass, and that the clerk inform the house of representatives thereof.

The sixth bill was ordered to be read a second time.

An engrossed bill to amend the militia laws, was read a third time; and the question being taken on the passage thereof, it was resolved in the affirmative—Yeas 15, nays 13.

The yeas and nays being required thereon by Messrs. Yancey and Davidson, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and Messrs. Barry, Bartlett, Bledsoe, Chambers, Davidge, Davidson, Eve, Faulkner, Fleming, Owens, Perrin, Slaughter, Southgate and Taylor.

Those who voted in the negative, are, Messrs. Ford, Given, Griffin, Harrison, Jones, Mason, South, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.

*Resolved*, That the said bill do pass, and that the title be "an act to amend the militia laws."

*Ordered*, That Mr. Davidson do carry said bill to the house of representatives, and request their concurrence.

Bills from the house of representatives of the following titles, to wit: An act to amend and continue in force for a longer period the charter of the Bank of Kentucky; an act appropriating the bonus of the Farmers and Mechanics' Bank of Lexington to the Transylvania University for three years; and an act to alter and amend the law concerning usury; were severally read a third time, the second as amended.

The question being taken on the passage of the first, it was resolved in the affirmative—Yeas 26, nays 5.

The yeas and nays being required thereon by messrs. Yancey and Southgate, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Chambers, Churchill, Crutcher, Davidge, Davidson, Eve, Faulkner, Ford, Given, Harrison, Jones, Owens, Slaughter, South, Southgate, Taylor, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, messrs. Fleming, Griffin, Johnson, Mason and Perrin.

The question was then taken on the passage of the second bill as amended, and it was resolved in the affirmative—Yeas 17, nays 13.

The yeas and nays being required thereon by messrs. Harrison and Chambers, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Chambers, Davidge, Davidson, Eve, Fleming, Given, Jones, Mason, Perrin, Slaughter, Taylor, Thompson, Worthington and Yancey.

Those who voted in the negative, are, messrs. Bartlett, Churchill, Crutcher, Faulkner, Ford, Griffin, Harrison, Owens, South, Southgate, Wickliff, Wilson and Wood.

The question was then taken on the passage of the third bill, and it was resolved in the affirmative—Yeas 18, nays 13.

The yeas and nays being required thereon by messrs. Jones and Davidge, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Bledsoe, Churchill, Crutcher, Davidson, Eve, Faulk-

ner, Fleming, Given, Griffin, Harrison, Jones, Perrin, Slaughter, Southgate, Wood, Worthington and Yancey.

Those who voted in the negative, are, messrs. Barry, Bartlett, Chambers, Davidge, Ford, Johnson, Mason, Owens, South, Taylor, Thompson, Wickliff and Wilson.

*Resolved*, That the said bills do pass, the second as amended, and that the title of the second bill be amended by striking out "three" and inserting "two."

*Ordered*, That Mr. Crutcher do inform the house of representatives of the first, Mr. Bledsoe the second, and Mr. Faulkner the third, and request their concurrence in the amendments to the second.

A message from the house of representatives, by Mr. Haynes :

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act to explain the fees of sheriffs in certain cases."

And then he withdrew.

A message from the house of representatives, by Mr. Todd :

*Mr. Speaker*—The house of representatives concur in the amendments proposed by the senate to a bill entitled "an act to erect the county of Owen out of the counties of Franklin, Scott and Pendleton "

And then he withdrew.

The speaker laid before the senate the following communication, to wit :

SECRETARY'S OFFICE, February 5th, 1819.

*To the Speaker of the Senate.*

SIR—In compliance with the resolution of the senate of this day, I lay before the senate all the recommendations in my possession, or in the secretary's office, in favor of persons to fill the office of circuit judge for the fourth and eleventh judicial districts.

JOHN POPE.

A message from the house of representatives, by Mr. Barr :

*Mr. Speaker*—The house of representatives concur in the amendments proposed by the senate to a bill entitled "an act appropriating the bonus of the Farmers and Mechanics' Bank of Lexington to the Transylvania University for three years."

And then he withdrew.

A message from the house of representatives, by Mr. Todd, their secretary :

*Mr. Speaker*—The house of representatives concur in the amendments proposed by the senate upon concurring in those proposed by the house of representatives to a bill entitled “an act to amend and reduce into one the several acts authorising changes of venue in civil cases;” and they concur in the amendments proposed by the senate to a bill entitled “an act for the relief of Joseph C. Belt.”

And then he withdrew.

A message from the house of representatives, by *Mr. Booker*:

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act adding part of Christian county to the county of Caldwell;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time; and the rule being dispensed with, it was read a second time and committed to the committee of propositions and grievances.

*Mr. Barry* read and laid on the table the following resolution, to wit:

*Resolved by the general assembly of the commonwealth of Kentucky, That the resolution fixing the time of the final adjournment of the present legislature, be rescinded; and that when they do adjourn on Tuesday next, they adjourn without day.*

And then the senate adjourned.

#### SATURDAY, FEBRUARY 6, 1819.

The senate assembled.

A message from the house of representatives, by *Mr. M’Kee*:

*Mr. Speaker*—The house of representatives concur in the amendment proposed by the senate to a bill entitled “an act to incorporate the Burlington and Cynthiana Library Companies;” And they have passed bills of the following titles: An act for the appropriation of money. and an act to amend the law to suppress riots, routs and unlawful assemblies of the people;” in which they request the concurrence of the senate.

And then he withdrew.

The said bills were taken up and read the first time; and the rule being dispensed with, they were severally read a second time, and the latter a third time.



*Resolved*, That the latter bill do pass, and that Mr. Jones inform the house of representatives thereof.

The second section of the former bill was read as follows, to wit:

§ 2. *Be it further enacted*, That there be loaned to the commissioners for finishing the public buildings, the sum of twelve hundred dollars; and it shall be the duty of said commissioners to settle their accounts on the first day of December next, and lay a complete statement thereof before each house of the general assembly, within the first week of its next session.

Mr. Johnson moved to amend said section by striking out the word "loaned," and to insert in lieu thereof the word "appropriated;" and the question being taken thereon, it was resolved in the affirmative—Yeas 22, nays 10.

The yeas and nays being required thereon by messrs. Griffin and Bridges, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Chambers, Churchill, Crutcher, Davidge, Davidson, Eve, Fleming, Given, Hardin, Johnson, Mason, Perrin, Slaughter, Southgate, Taylor, Thompson and Wickliff.

Those who voted in the negative, are, messrs. Faulkner, Ford, Griffin, Harrison, Jones, Owens, South, Wood, Worthington and Yancey.

Mr. Johnson then moved to amend the bill by striking out the section as amended; and the question being taken thereon, it was resolved in the negative—Yeas 11, nays 20.

The yeas and nays being required thereon by messrs. Johnson and Given, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Faulkner, Ford, Griffin, Harrison, Johnson, Jones, Owens, South, Wood, Worthington and Yancey.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Chambers, Churchill, Crutcher, Davidge, Davidson, Eve, Fleming, Given, Hardin, Mason, Perrin, Slaughter, Southgate, Taylor and Thompson.

The said bill being further amended at the clerk's table, was ordered to be read a third time as amended.

It was moved and seconded to dispense with the rule as to the third reading of said bill, and it was resolved in the negative—Yeas 22, nays 7 (a majority of four-fifths not voting therefor).

The yeas and nays being required thereon by messrs. Owens and Jones, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Churchill, Crutcher, Davidge, Davidson, Faulkner, Ford, Given, Griffin, Harrison, Jones, Mason, Perrin, Slaughter, South, Southgate, Taylor, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Fleming, Johnson and Owens.

The senate received a message in writing from the lieutenant-governor, by mr. Waggener, containing certain nominations, which were taken up and read as follows, to wit:

*Gentlemen of the Senate.*

I nominate for your advice and consent, Edward Neely, sheriff; Philip Bush, coroner; and John Williams, Joseph Bigger, Joseph Sloss, John Gibson, Joseph Rowland, Davis Hardin, William I. Williams, Henry Stratton, Thomas Beauchamp, Matthew West and Peter Martin, justices of the peace in and for the county of Simpson.

Joshua Crump, sheriff; Robert Miller, coroner; and William Kassinger, Richard Munford, Isham Hardin, Arthur M'Gaughey, George M'Lean, Benjamin I. M'Call, Philip Maxey, Robert Ferguson, Jacob Holderman, Ephraim Maxey, Thomas B. Holt, Thomas Munford, Dudley Rountree, William Whitman and Jesse Wood, justices of the peace in and for the county of Hart.

Benjamin Harris, sheriff; Samuel Howard, sen. coroner; and George Britton, Abner Lewis, Golvin Bailey, William Taylor, Elisha Green, William Jenkins and John Noe, sen. justices of the peace in and for the county of Harlan.

GABL. SLAUGHTER.

February 6th, 1819.

The rule being dispensed with, the said nominations were taken up and read.

*Resolved*, That the senate do advise and consent to said appointments.

*Ordered*, That mr. Yancey acquaint the lieutenant-governor therewith.

Mr. Davidge, from the committee of propositions and grievances, to whom was referred a bill from the house of representatives, entitled "an act adding part of Christian county to the county of Caldwell," reported the same without amendment.

The said bill was then read a third time.

*Resolved*, That the said bill do pass, and that Mr. Given inform the house of representatives thereof.

Messrs. Yancey and Slaughter, from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit: An act to erect the county of Owen out of the counties of Franklin, Scott, Gallatin and Pendleton; an act to regulate the practice of the general court in certain cases; an act authorising certain county courts to appoint port wardens, and prescribing their duties; an act to erect election precincts in the counties of Estill and Henderson; an act to explain the fees of sheriffs in certain cases; an act for the relief of Elizabeth Armstrong; an act to amend the several acts authorising changes of venue in civil cases; an act to amend and continue in force for a longer period the charter of the Bank of Kentucky; an act appropriating the bonus of the Farmers and Mechanics' Bank of Lexington to the Transylvania University for two years; an act to amend an act entitled an act for the relief of Peter Sibert; an act for the benefit of Bethel and Bourbon academies; an act to amend an act entitled an act to amend an act incorporating the Lexington and Louisville turnpike road company; an act for the benefit of Hetty Hall and others; an act to establish the true line between the counties of Floyd and Greenup; an act for the benefit of the heirs of Henry Garrard, deceased; an act further to regulate the proceedings of the county court of Fayette; an act adding part of Christian county to the county of Caldwell; an act concerning the marriage of Milton Gray; an act to alter and amend the law concerning usury; an act for the relief of Joseph C. Belt; an act to amend the law to suppress riots, routs and unlawful assemblies of the people; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Johnston:

*Mr. Speaker*.—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed the said bills, being the same reported to-day by the committee of enrolments, and they were delivered to the joint committee, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Yancey, from said committee, reported that they had performed that duty.

Bills from the house of representatives of the following titles, to wit: An act establishing a turnpike on the road leading from Georgetown to Cincinnati, and for other purposes; an act to run the boundary line between this state and the state of Tennessee, west of the Tennessee river; and an act for the relief of David Woodruff and David Harris; were severally read a third time.

*Resolved*, That the first and second bills do pass, and that ———— inform the house of representatives thereof.

The question being taken on the passage of the third, it was resolved in the negative; and so the said bill was rejected.

A message from the house of representatives, by Mr. Knight:

Mr. Speaker—The house of representatives have passed a bill entitled “an act authorising the conveyance of certain lands belonging to the heirs of Mary Boyd and Ann Robinson;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time; and the rule being dispensed with, it was read a second and third time.

*Resolved*, That the said bill do pass, and that Mr. Ford inform the house of representatives thereof.

The nomination of William Warren, as judge of the 4th judicial district, was taken up; and the question being taken on advising and consenting to the appointment, it was resolved in the affirmative—Yeas 24, nays 7.

The yeas and nays being required thereon by messrs. Bartlett and Jones, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Chambers, Churchill, Crutcher, Davidge, Davidson, Eve, Faulkner, Fleming, Ford, Given, Griffin, Harrison, Mason, Slaughter, Southgate, Taylor, Thompson, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, messrs. Bartlett, Hardin, Johnson, Jones, Owens, Perrin and South.

*Resolved*, That the senate advise and consent to the said appointment, and that Mr. Ford acquaint the lieutenant-governor therewith.

The nomination of Eli Shortridge, as judge of the 11th judicial district, was taken up.

*Resolved*, That the senate do advise and consent to said appointment, and that Mr. Mason acquaint the lieutenant-governor therewith.

Mr. Fleming, from the committee of conference on the part of the senate, appointed for that purpose, made the following report, to wit :

The committees of free conference from the two houses relative to the disagreeing votes between the two houses on the bill entitled "an act to amend the laws incorporating independent banks," have agreed to recommend the following course :

That the house of representatives agree to the first amendment made by the senate.

That they agree to the second amendment with an amendment prepared and in the hands of the committee of the house of representatives.

That they insist upon their amendment striking out the tenth section in the amendment made by the senate.

That they recede from their amendment adding two sections to the senate's amendments.

A message from the house of representatives, by Mr. Hardin :

*Mr. Speaker*—The house of representatives concur in the first and second amendments proposed by the senate to a bill entitled "an act to amend the laws incorporating independent banks," with an amendment to the second; they insist upon their disagreement to the tenth amendment, and they recede from their disagreement to their amendment upon concurring in the tenth amendment : In which amendment they request the concurrence of the senate.

And then he withdrew.

Whereupon the said amendment was taken up and concurred in.

*Ordered*, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Jones :

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act to continue in force an act to suspend law process in certain cases," with an amendment, in which they request the concurrence of the senate.

And then he withdrew.

The said amendment was taken up, twice read and concurred in.

*Ordered*, That Mr. Yancey inform the house of representatives thereof.

A message from the house of representatives, by Mr. Haynes :



*Mr. Speaker*—The house of representatives have passed a bill entitled “an act for the benefit of William Dunning and Elizabeth Nall;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time; and the rule being dispensed with, it was read a second and third time.

*Resolved.* That the said bill do pass, and that Mr. Given inform the house of representatives thereof.

Mr. Bledsoe moved the following resolution, to wit:

*Resolved by the Senate of Kentucky,* That the commissioners of the public buildings in Frankfort be requested to cause the senate chamber to be so altered as to include the lobby, and cause a lobby and gallery to be made on the back of said chamber next the house of representatives; and if it can be done, to cause another fire place to be constructed, and if not, to cause a stove to be procured and set up—using their discretion as to the manner in which the alterations ought to be made.

Which being twice read was adopted.

A message from the house of representatives, by Mr. T. Ward:

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act to farther regulate the disposition of the records of the supreme court for the district of Kentucky;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time.

Mr. Bledsoe read and laid on the table the following resolution, to wit:

*Resolved by the general assembly of the commonwealth of Kentucky,* That sixteen hundred and fifty copies of the laws, and two hundred and fifty copies of the journals of the present session of this legislature, be printed by the public printers, and bound by Butler and Wood, and be delivered to the secretary of state for the purpose of distribution.

And thereupon the rule being dispensed with, the said resolution was taken up, twice read and adopted.

*Ordered.* That Mr. Bledsoe acquaint the house of representatives therewith, and request their concurrence.

Mr. Barry, from the committee for courts of justice, to whom was referred an engrossed bill for the benefit of Thomas Triplett, reported the same without amendment.

And the question being taken on the passage thereof, it was resolved in the negative; and so the said bill was rejected.

The resolution for rescinding the resolution for adjournment, and fixing on a day for the final adjournment of the legislature, was taken up; and the question being taken on adopting said resolution, it was resolved in the negative—Yeas 16, nays 16.

The yeas and nays being required thereon by messrs. Faulkner and Davidge, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Chambers, Crutcher, Fleming, Given, Hardin, Johnson, Owens, Perrin, Taylor, Thompson, Wood and Yancey.

Those who voted in the negative, are, messrs. Churchill, Davidge, Davidson, Eve, Faulkner, Ford, Griffin, Harrison, Jones, Mason, Slaughter, South, Southgate, Wickliff, Wilson and Worthington.

The vote being equal, the speaker declared the resolution rejected.

The senate received a message in writing from the lieutenant-governor, by Mr. Waggener, containing certain nominations, which were read as follows, to wit:

*Gentlemen of the Senate,*

I nominate for your advice and consent, Cyrus Wingate, sheriff; Benjamin Glass, coroner; and John Scrimsher, Jacob Hesler, John Glass, William Davis, sen. James Herndon, Thomas Woolfolk and William Cobb, justices of the peace in and for the county of Owen.

Edmund H. Taylor, keeper of the state-house and public square for the current year.

GABL. SLAUGHTER.

February 6th, 1819.

The rule being dispensed with, they were taken up and read.

*Resolved,* That the senate advise and consent to said appointments, and that Mr. Davidge acquaint the lieutenant-governor therewith.

Mr. Chambers, from the committee to whom was referred a bill from the house of representatives, entitled "an act to amend the act establishing a turnpike on the road leading from the mouth of Big Sandy through the counties of Greenup and Lewis in a direction to Flemingsburg, to Joseph Watkins", approved January 31, 1818," reported the same without amendment, and it was ordered to be laid on the table until the 10th of March next.

A bill from the house of representatives, entitled "an act authorising suits against heirs and devisees in certain cases, and limiting the time of bringing suits against executors and administrators," was read a third time and laid on the table until Monday next.

A message from the house of representatives, by Mr. Underwood :

Mr. Speaker—The house of representatives have adopted a resolution rescinding the order of adjournment, and fixing on the day of adjournment; in which they request the concurrence of the senate.

And then he withdrew.

The said resolution was taken up and read as follows, to wit :

IN THE HOUSE OF REPRESENTATIVES, Feb. 6, 1819.

*Resolved by the general assembly of the commonwealth of Kentucky,* That the resolution to adjourn on Saturday the 6th *sine die*, be rescinded; and that when they adjourn on Wednesday the 10th inst. they will adjourn *sine die*.

Extract, &c.—Attest, R. S. TODD, C. H. R.

And the question being taken upon concurring in said resolution, it was resolved in the affirmative—Yeas 19, nays 13.

The yeas and nays being required thereon by messrs. Wickliff and Jones, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Chambers, Crutcher, Davidge, Davidson, Fleming, Given, Hardin, Johnson, Owens, Perrin, Southgate, Taylor, Thompson, Wood and Yancey.

Those who voted in the negative, are, messrs. Churchill, Eve, Faulkner, Ford, Griffin, Harrison, Jones, Mason, Slaughter, South, Wickliff, Wilson and Worthington.

*Ordered,* That Mr. Johnson inform the house of representatives thereof.

The senate received information from the lieutenant-governor by Mr. Waggener, that he did on to-day approve and sign sundry enrolled bills which originated in the senate, of the following titles, to wit : An act to regulate the practice of the general court in certain cases; an act to amend the several acts authorising changes of venue in civil cases; an act to explain the fees of sheriffs in certain cases; an act to erect election precincts in the counties of Estill and Henderson; an act for the relief of Elizabeth Armstrong; an act authorising certain county courts to appoint port wardens, and prescribing their duties.

*Ordered*, That the clerk inform the house of representatives thereof.

And then the senate adjourned.

MONDAY, FEBRUARY 8, 1819.

The senate assembled.

A bill from the house of representatives, entitled "an act further to regulate the disposition of the records of the supreme court for the district of Kentucky," was read the first time.

The rule being dispensed with, it was read a second and third time.

*Resolved*, That the said bill do pass, and that Mr. Yancey inform the house of representatives thereof.

A message from the house of representatives, by Mr. Scott:

Mr. *Speaker*—The house of representatives have passed a bill entitled "an act providing for a change of venue in the case of Francis and Sandefur Petty," with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The amendments were taken up, twice read and disagreed to.

*Ordered*, That Mr. Owens inform the house of representatives thereof.

Bills from the house of representatives of the following titles, to wit: An act authorising suits against heirs and devisees in certain cases, and limiting the time of bringing suit against executors and administrators; and an act for the appropriation of money; were severally read a third time, the latter as amended.

*Resolved*, That said bills do pass, the latter as amended, and that Mr. Davidge inform the house of representatives of the former, and Mr. Yancey of the latter, and request their concurrence in the amendments.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit: An act to amend the laws incorporating independent banks; an act establishing a turnpike on the road leading from Georgetown to Cincinnati, and for other purposes; an act to run the boundary line between this state and the state of Tennessee, west of the Tennessee river; an act to incorporate the Burlington and Cynthia

library companies; an act authorising the conveyance of certain lands belonging to the heirs of Mary Boyd and Ann Robinson; an act to continue in force an act to suspend law process in certain cases; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Johnston:

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, being those reported to-day by Mr. Yancey, and they were delivered to the joint committee of enrolment, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Yancey, from the committee, reported that they had performed that duty.

On the motion of Mr. South,

*Ordered*, That the committee of the whole house on the state of the commonwealth be discharged from the further consideration of the several bills referred to them; and they were severally taken up, to wit:

Bills from the house of representatives of the following titles, to wit: 1. An act to provide for the revision of the statute laws of this commonwealth; 2. an act to amend an act entitled an act authorising certain justices of the county courts to award injunctions, writs of *ne exeat* and *habeas corpus*; 3. an act to regulate the fees of the justices of the peace of this commonwealth; 4. an act to amend the proceedings in civil suits against banks and other incorporations; 5. a bill to create a fund for the purposes of education; 6. a bill for surveying certain lands: and 7. an act to amend the act for the improvement of internal navigation.

The first, second, fourth, fifth and sixth bills were ordered to be laid on the table.

The amendments made to the third bill by the committee of the whole, were concurred in with amendments.

Mr. Wood moved to amend the said bill by attaching thereto the following section, to wit:

§ 4. No fee shall be received by a justice of the peace for awarding judgment, recording the same, or issuing execution, in any civil case, where the amount of the judgment, exclusive of interest and costs, does not exceed twenty-five shillings.



Mr. Johnson moved to amend the said amendment by striking out "twenty-five shillings," and inserting in lieu thereof "five pounds."

And the question being taken on said amendment to the amendment, it was resolved in the negative—Yeas 13, nays 16.

The yeas and nays being required thereon by messrs. Churchill and Faulkner, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Barry, Bartlett, Bledsoe, Bridges, Faulkner, Griffin, Hardin, Harrison, Johnson, Jones, Mason, South and Taylor.

Those who voted in the negative, are, Mr. Speaker, and messrs. Chambers, Churchill, Crutcher, Davidge, Davidson, Fleming, Ford, Given, Perrin, Slaughter, Southgate, Wickliff, Wood, Worthington and Yancey.

The question was then taken on the amendment as first proposed, and it was resolved in the affirmative—Yeas 25, nays 6.

The yeas and nays being required thereon by messrs. Wood and Faulkner, were as follows, to wit:

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Bridges, Chambers, Churchill, Crutcher, Davidge, Davidson, Faulkner, Fleming, Ford, Griffin, Hardin, Harrison, Jones, Mason, Slaughter, South, Southgate, Taylor, Wilson and Wood.

Those who voted in the negative, are, messrs. Given, Owens, Perrin, Wickliff, Worthington and Yancey.

Mr. Wickliff then moved to amend the said bill by attaching thereto the following section, to wit:

*Be it further enacted*, That the justices of the peace shall have, after the first day of May next, jurisdiction of all sums under one hundred dollars, founded on a specialty or note in writing for the direct payment of money.

Mr. Crutcher moved to amend the said amendment by striking out "one hundred," and inserting "twenty-five."

And the question being taken on said amendment to the amendment, it was resolved in the negative—Yeas 6, nays 24.

The yeas and nays being required thereon by messrs. Wickliff and Crutcher, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Barry, Bartlett, Bledsoe, Crutcher, Hardin and Johnson.

Those who voted in the negative, are, Mr. Speaker, and messrs. Chambers, Churchill, Davidge, Davidson, Faulkner, Fleming, Ford, Given, Griffin, Harrison, Jones, Mason,

Owens, Perrin, Slaughter, South, Southgate, Taylor, Wickliff, Wilson, Wood, Worthington and Yancey.

The question was then taken on the amendment as first proposed, and it was resolved in the negative—Yeas 11, nays 19.

The yeas and nays being required thereon by messrs. Wickliff and Crutcher, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Churchill, Faulkner, Ford, Owens, Perrin, Slaughter, South, Wickliff, Wilson, Wood, Worthington and Yancey.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bartlett, Bledsoe, Chambers, Crutcher, Davidge, Davidson, Fleming, Given, Griffin, Hardin, Harrison, Johnson, Jones, Mason, Southgate, Taylor and Wood.

The said bill was then read a third time as amended.

*Resolved*, That the said bill as amended do pass, and that Mr. Churchill inform the house of representatives thereof and request their concurrence in the amendments.

The seventh bill was amended at the clerk's table, and having been engrossed was read a third time.

*Resolved*, That the said bill do pass, and that the title be "an act to suspend the operation of the act for the improvement of internal navigation."

*Ordered*, That Mr. Jones do carry said bill to the house of representatives, and request their concurrence.

A message from the house of representatives, by Mr. Pope:

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act providing for a change of venue in the case of David H. Campbell," with an amendment, in which they request the concurrence of the senate.

And then he withdrew.

The amendment was taken up, twice read and concurred in.

*Ordered*, That Mr. Ford inform the house of representatives thereof.

A message from the house of representatives, by Mr. Todd:

*Mr. Speaker*—The house of representatives have passed bills from the senate of the following titles, to wit: An act establishing and regulating certain towns in this commonwealth; an act establishing an academy in the county of Livingston; an act providing for the navigation of Pond river; and an act for the benefit of the infant heirs of James Hughes, deceased, with an amendment to the latter: And they have

passed a bill entitled "an act supplemental to the act establishing the county of Owen." In which amendment and bill they request the concurrence of the senate.

And then he withdrew.

The amendment was taken up, twice read and concurred in.

*Ordered*, That Mr. Barry inform the house of representatives thereof.

The bill was taken up and read the first time; and the rule being dispensed with, it was read a second and third time.

*Resolved*, That the said bill do pass, and that Mr. Jones inform the house of representatives thereof.

A message from the house of representatives, by Mr. J. Green:

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act to amend the act entitled an act respecting the conveyance, and also the division of the real estate of William Kennedy, Benjamin Beall and Jennette H. Beall, of the county of Campbell."

And then he withdrew.

A message from the house of representatives, by Mr. Dollerhide:

*Mr. Speaker*—The house of representatives have passed bills from the senate of the following titles, to wit: An act authorising the county court of Pulaski to make additions to the town of Somerset, and an act for the benefit of James Williams.

And then he withdrew.

A message from the house of representatives, by Mr. Hunter:

*Mr. Speaker*—The house of representatives have passed bills of the following titles, to wit: An act for the benefit of Union academy, and an act for the relief of the administrators of Reuben Underwood and the heirs of Spencer Gill.

And then he withdrew.

The speaker laid before the senate the report of Richard Taylor, one of the commissioners for improving the navigation of the Kentucky river; which report was taken up and read as follows, to wit:

*To the honorable the Legislature of Kentucky.*

The report of Richard Taylor, commissioner for that part of the Kentucky river which lies within the counties of Franklin, Gallatin and Henry, respectfully reports: That the undersigned commenced his improvement of the navigation of said river at Essex island, by removing obstructions, &c. &c.

That the plan of improvement adopted by him has been by erecting brush-dams in the form of wing-dams, thereby narrowing and deepening it at low water, and removing logs, rocks, &c. from which system much benefit he believes will result to the navigator in low water; he also believes much benefit will result from what has been done; and he also further believes improvements of the same kind may be extended to great advantage.

The undersigned deemed it necessary to employ his hands by the day instead of the month, because if employed for any longer period of time, from the frequent rises in the Kentucky river, or a reflux of back-water from the Ohio river, considerable loss might and would have accrued.

The undersigned has been prevented from the accumulated, unforeseen, important other business, from making settlements with the county courts within the time prescribed by law; and respectfully prays that the courts may be authorised to make a settlement with him at some future period, or that some other mode may be adopted by your honorable body.

The undersigned was prevented from making a settlement with the courts of the several counties before the legislature met, because his hands were at work at the several ripples between Frankfort and the mouth of the river all the fall; nor was the work finished before the 1st December.

The undersigned will state that the commissioners appointed to this river laid it off into districts, and assigned to him that part from Frankfort to the mouth. He also states that he has received a check upon the treasury for only \$2,333 33 1-3 cents; and that he has expended as per account herewith rendered, \$2,215 67 cents.

The undersigned would offer as a further reason why he could not settle his accounts with the courts, that he had made contracts with individuals for removing obstructions opposite the Clay lick and at other places which have not yet been complied with.

That each of the commissioners drew on the treasury individually for their third part of the monies appropriated for this river, or so much thereof as they deemed competent to meet the expenditures they incurred: That the undersigned only drew for the aforesaid \$2,333 33 1-3 cents, which was not the full amount of a third part of the money appropriated for improving the navigation of this river; and that the balance in his hands will probably meet the contracts above alluded to; and not yet complied with.

RICHARD TAYLOR.

*Abstract of monies laid out and expended from July, 1818, to November, 1818, both months inclusive, by Richard Taylor, commissioner for the Kentucky River within the counties of Franklin, Gallatin and Henry.*

To cash paid Moses Lucas, as per voucher,	\$ 4 00
To do. paid Levi Craig, as per do.	215 00
To do. paid John W. Buckner, as per do.	253 00
To do. paid Elijah Clarke for boat for use of hands	75 00
To do. paid Carter Blanton for do. as per do.	425 00
To do. paid Benjamin Rawson,	165 00
To do. paid Benjamin Long,	150 00
To do. paid Low and Sanders, as per do.	571 53½
To do. paid William Sanders, as per do.	26 00
To do. paid Benjamin Taylor,	20 00
To do. paid E. M. Loe,	1 27
To do. paid Ezra Richmond for cables,	57 87
To am't. provisions furnished hands by R. T. com'r.	135 00
To cash paid by Alex'r. Rennick, Esq. to hands at island at Frankfort,	38 50
To R. Taylor for fifty days personal services at \$2 50 cents per day,	125 00
To 2 days making out and preparing accounts at \$2 50 cents per day,	5 00
To John Harper's account as per do. and receipt,	83 50
To a cross-cut saw and sledge-hammer furnished by R. Taylor,	15 00

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\$2,215 67½

A message from the house of representatives, by Mr. Rennick :

Mr. *Speaker*—The house of representatives have passed bills from the senate of the following titles, to wit: An act for the relief of Patty Bohannon; an act for the benefit of Samuel May; an act for the benefit of the heirs of Christopher Hardwick; an act authorising the county court of Muhlenburg to dispose of part of their public ground; an act further to regulate the town of Germantown, in the counties of Mason and Bracken; an act directing the clerk of Mason county to transcribe a certain record book; an act for the benefit of Margaret Swim; and an act to incorporate the Southern College of Kentucky, with amendments to the two latter, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were taken up, twice read and concurred in.



*Ordered*, That Mr. Yancey inform the house of representatives thereof.

A message from the house of representatives, by Mr. Barr :

Mr. *Speaker*—The house of representatives have passed a bill from the senate, entitled “an act to incorporate the Lexington Athenæum.”

And then he withdrew.

The senate received a message in writing from the lieutenant-governor, by Mr. Waggener, containing certain nominations, which were read as follows, to wit :

*Gentlemen of the Senate*,

I nominate for your advice and consent, Michael Graves, lieutenant colonel of the 21st regiment, in place of Stephen Thrasher, resigned.

James Browning, major of the same regiment, in place of Michael Graves, if promoted:

GABL. SLAUGHTER.

February 8th, 1819.

The rule being dispensed with, they were taken up.

*Resolved*, That the senate advise and consent to said appointments.

*Ordered*, That Mr. Southgate acquaint the lieutenant-governor therewith.

They also received information that the lieutenant-governor did on to-day approve and sign an enrolled bill which originated in the senate, entitled “an act to continue in force an act to suspend law process in certain cases.”

*Ordered*, That the clerk inform the house of representatives thereof.

On the motion of Mr. Barry, who voted with the majority on a former day of the session, whereby a bill from the house of representatives, entitled “an act concerning certain offences committed by slaves, and giving the circuit courts jurisdiction of the trial of slaves for capital offences,” was rejected,

*Ordered*, That a message be sent to the house of representatives, requesting leave to withdraw the report of the rejection of said bill, and that Mr. Barry do carry said message.

A message from the house of representatives, by Mr. Baylor :

Mr. *Speaker*—Agreeably to the request of the senate, I am instructed by the house of representatives to return a bill which originated there, entitled “an act concerning certain

offences committed by slaves, and giving the circuit courts jurisdiction of the trial of slaves for capital offences."

And then he withdrew.

Mr. Barry, from the majority in the vote whereby said bill was rejected, moved to re-consider the vote; and it being resolved in the affirmative, the bill was committed to Messrs. Barry, Bledsoe, Southgate and Davidge.

And after a short time, Mr. Barry, from said committee, reported the bill with amendments, which being twice read were concurred in, and the bill read a third time as amended.

*Resolved*, That the said bill as amended do pass, and that Mr. Barry inform the house of representatives thereof, and request their concurrence in the amendments.

A bill to extend in part an act to continue in force an act for appropriating the vacant lands in this commonwealth, approved January 9, 1818, was taken up, amended at the clerk's table, and (having been engrossed) was read a third time.

*Resolved*, That the said bill do pass, and that the title be "an act to extend in part an act for appropriating the vacant lands, approved January 9, 1818."

*Ordered*, That Mr. Wilson do carry said bill to the house of representatives, and request their concurrence.

A message from the house of representatives, by Mr. Knight:

Mr. Speaker—The house of representatives have passed a bill for the benefit of James Sammons.

And then he withdrew.

A message from the house of representatives, by Mr. Coombs:

Mr. Speaker—The house of representatives have passed a bill from the senate entitled "an act for the relief of the sheriff of Hardin county," with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were taken up, twice read and concurred in.

*Ordered*, That Mr. Crutcher inform the house of representatives thereof.

A message from the house of representatives, by Mr. Chew:

Mr. Speaker—The house of representatives have passed a bill from the senate, entitled "an act establishing an election precinct in Bourbon county," with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were taken up, twice read and disagreed to.

*Ordered*, That Mr. Hardin inform the house of representatives thereof.

Mr. Barry, from the majority in a vote on a former day of the session, whereby an engrossed bill to increase the compensation of the members of the general assembly, was rejected, moved to re-consider the vote, and it was resolved in the affirmative.

And the question being taken on the passage thereof, it was resolved in the affirmative—Yeas 18. nays 14.

The yeas and nays being required thereon by messrs. Yancey and Faulkner, were as follows, to wit:

Those who voted in the affirmative, are, messrs. Barry, Bartlett, Bledsoe, Chambers, Crutcher, Davidge, Davidson, Fleming, Given, Griffin, Hardin, Johnson, Perrin, Slaughter, Thompson, Wilson, Wood and Worthington.

Those who voted in the negative, are, Mr. Speaker, and messrs. Bridges, Churchill, Faulkner, Ford, Harrison, Jones, Mason, Owens, South, Southgate, Taylor, Wickliff and Yancey.

*Resolved*, That the said bill do pass, and that the title be “an act to increase the compensation of the members of the general assembly.”

*Ordered*, That Mr. Barry do carry said bill to the house of representatives, and request their concurrence.

And then the senate adjourned.

## TUESDAY, FEBRUARY 9, 1819.

The senate assembled.

A message from the house of representatives, by Mr. Booker:

*Mr. Speaker*—The house of representatives have passed bills from the senate of the following titles, to wit: An act to extend the limits of the town of Perryville; an act for the benefit of Catherine Amis, Agness Snider, Rebecca Mitchell and John Hole; an act to incorporate the Eddyville Steam-Mill Company; an act altering the terms of the circuit courts of Bath, Floyd and Greenup counties; and an act for the benefit of Rebecca Gill, with amendments to the two latter, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were severally taken up, twice read and concurred in.

*Ordered*, That Mr. Bledsoe inform the house of representatives thereof.

A message from the house of representatives, by Mr. Baylor :

Mr. *Speaker*—The house of representatives have passed bills from the senate of the following titles, to wit : An act for the benefit of the heirs and devisees of Andrew Todd ; and an act providing for the collection of part of the revenue of Fayette county for the year 1817 ; with amendments to the latter, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were taken up, severally read and concurred in with amendments.

*Ordered*, That Mr. Bledsoe inform the house of representatives thereof, and request their concurrence in the said amendments.

Mr. Bledsoe, from the joint committee appointed to examine and report the state of the penitentiary, made the following report, to wit :

The committee appointed by the general assembly of Kentucky, to inquire into the condition and report the state of the accounts of the penitentiary of this commonwealth, beg leave to report :

That in the discharge of that duty, the chairman of the committee addressed to the agent of that institution the following letter :

The committee appointed by the general assembly of the commonwealth of Kentucky, to inquire into the condition and report the state of the accounts of the penitentiary, request the agent for the same to furnish the committee with a statement of the result of the general accounts of said institution, noting the result of each year from its commencement to the close of last year's account : Noting therein the average number of convicts in each year ; the expence of keeping them ; the quantity or value of raw materials of each year ; the amount of money drawn from the treasury in each year ; the general result of credit and debit to the state in each year ; the amount of costs for buildings, &c. of the establishment.

J. BLEDSOE, *Chairman*.

January 26th, 1819.

And received from him in answer thereto the following :

PENITENTIARY AGENT'S OFFICE, Jan. 28, 1819.

Dear Sir—On looking over the books of this institution, from 1802 to the beginning of 1817, for the purpose of complying with the requisitions of your note of the 26th inst. I find it impracticable to do so, owing to the manner of keeping accounts in the books of the penitentiary between those periods. There has been no regular account kept between the state and the institution; nor is there any account showing a general and annual result of the transactions of the institution, nor file nor record of the reports made yearly to the legislature by agents or keepers, previous to 1817. It is therefore out of my power to furnish you any statement farther back than February 1817, being the time which the agent under the late law came into office. A statement of the transactions under the control of the agent, from that time, is enclosed. The auditor informed me he should furnish the committee with the account of the first cost of the buildings, &c. of this establishment—there is no record of it in this office. The number of convicts received and discharged; the expence of keeping them; the probable value of raw materials each year; the amount of money drawn from the treasury each year, and the general result of debits and credits to the state each year, are subjects which the books here furnish no annual estimate of, and of which the agent for the last two years can know nothing officially: They properly belong to the keeper; I have therefore shown him your note, that he may make report to the committee concerning them.

Respectfully, your obedient servant,

J. B. WOOLDRIDGE, A. P.

*Jesse Bledsoe, Esq. Chairman of the committee  
for the Kentucky Penitentiary.*

The committee proceeded to examine the books and accounts of the agent, and find the same to correspond with his account rendered the auditor. The accounts appear to be fair and correct, and are kept in a manner which does credit to the capacity and integrity of the agent. His report is here; to annexed, and is as follows:



*A statement of accounts, &c. delivered the agent, by the keeper of the Kentucky penitentiary, the 11th February 1817; of the amount of manufactures, cost and interest since received; of the amount of cash paid in the treasury, cost paid on suits, errors discovered in keeper's accounts, and price of nails reduced, from the above date to 20th September 1818.*

Accounts rec'd. of keeper, \$23,049 38

Manufactures rec'd. from do. 4,934 53

\$ 27,983 91

Manufactures received weekly of keeper, from 12th Feb. 1817, to 30th Sept. 22,645 21

Interest received during same time, 12 50

Cost received do. do. 91 31

22,749 02

Cash paid in treasury from 12th Feb 1817 to 30th Sept. inclusive, 10,557 25

Cost paid on suits during the same time, 92 67

Errors in keeper's accounts, 126 65

Price of nails reduced, 199 72

10,976 29

Manufactures rec'd. of keeper from 1st Oct. 1817 to 30th Sept. 1818, inclusive, 30,060 75

Interest received during the same time, 22 72

Cost received do. do. 59 37

Received for retailing profits, 375 00

30,517 84

Cash paid in treasury from 1st Oct. 1817 to 30th Sept. 1818, inclusive 17,107 56

Cost paid on suits during the same time, 39 85

Errors in keeper's accounts, 176 24

Price of nails reduced, 697 00

18,020 75

28,997 04 21,250 77

28 997 04

\$ 52,253 73

# THE SENATE.

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On the 30th Sept last, the agent's account stood thus :

Bonds and accounts,	\$ 30,541 71
Manufactures on hand,	21,712 81
	<hr/>
	52,254 52

On the 30th Sept. 1817, thus :

Debts, &c.	24,673 95
Manufactures,	15,397 92
	<hr/>
	40,071 87

Amount of sales for the year ending 30th Sept.  
1817, commencing from the 12th Feb. 1817, 12,181 67

Amount of sales from 1st Oct. 1817, to 30th Sept.  
1818, \$ 23,225 10

J. B. WOOLDRIDGE, A. P.

January 28, 1819.

From which it appears that the amount of sales of articles there manufactured for the year commencing the 12th of Feb. and ending the 30th September, 1817, was

\$ 12,181 67

And the amount of sales from the last mentioned time to the 1st Oct. 1818, was 23,225 10

That the cash paid by same into the treasury during the period last mentioned, was 10,557 25

And during the latter period the cash paid into same, was 17,107 56

During the former period the amount of manufactured articles received by the agent from the keeper, was 22,645 25

And during the latter period the amount of do. received by same of same, was 30,060 75

The first period was during the agency of the late incumbent, the latter during that of the present. It thus appears that the money paid into the treasury during the last mentioned period, more nearly approaches the amount drawn out, and that there has been an increase of manufactured articles, and of sales of the same, more than corresponding with the increase of the number of convicts. The number of convicts during the former period being 46, and during the latter 57.

The expences of the institution during the former period, amounted to \$ 3,755 15

During the latter, to 5,999 46

Raw materials consumed during the first, 13,333 21

Do. do. do. during the latter, 19,979 95

Cash drawn from the treasury in 1817,	20,142 00
Do. do. do. in 1818,	22,757 08
On the first day of October, 1818, the general accounts of the institution stood thus :	

## CREDITS.

By debts due it,	\$ 31,410 00
By Manufactured articles on hand,	20,840 32
Raw materials on hand,	6,553 35

Making in all,

\$ 58,803 87

## DEBITS.

To bonus from the state,	\$ 17,350 35
To advances by the keeper,	10,114 18
For agent's and keeper's compensation due,	885 58

\$ 28,350 11

Nominal worth of the institution on the same day,

30,453 76

The gross profits of the institution on the same were,

9,563 67

From which deduct for expences of

do. 9,086 74

Leaves for nett profit,

\$ 476 93

By a reference to the report of last year, it will appear that the nominal worth of the institution on the first day of October, 1817, was estimated at about

\$ 33,000 00

And for 1816, at

29,000 00

Here it appears that the nominal worth of the institution for the last year, ending 1st Oct. 1818, which is

30,453 76

Making an amount less than that of the preceding year, according to the report of the committee, of

2,546 24

When the number of convicts was 46, and making only about \$ 1,000 more than the year 1816, when the number of convicts was still less.

Of the 57 now confined in that institution, there are engaged in the cut nail factory,

14

In the wrought do.

4

In the shoe do.

12

In the chair do.

8

In the blacksmiths' do.

4

Washing and cooking,

2

Unfit for duty,

7

With regard to the buildings and condition of the institution, the committee are compelled to assent to the report of the committee of last year on this subject, in the whole of which, respecting the site and state of the buildings, and the necessity of a change, they concur, and beg leave to refer to the same as fully expressive of the opinion of this committee. This committee cannot forbear the expression of an opinion that this institution originating in the most benevolent and just motives, and upon principles which seem to accord with correct ideas of the use of punishment, is likely to become more burthensome to the state than it ought; and that it is certainly susceptible of more profitable management. The labor of the convicts is incessant, and of a kind promising profit; and it is scarcely to be conceived that the same number of hands not in their situation as to confinement, with the advantage of so large a loan as a capital for purchasing raw materials, properly employed, should yield so small a profit. The confinement, coarse clothing and fare of the convicts cannot well be supposed to lessen the profits of their labors. Something is, therefore, evidently defective in the organization or management of the institution. The results speak stronger than any argument.

The committee, therefore, recommend the adoption of the following resolutions:

*Resolved*, That a law ought to pass authorising the appointment of three commissioners, with powers to select and contract for the purchase of a site, and prepare a plan for a suitable building immediately upon the bank of the Kentucky river, for a penitentiary house; and also to contract for the sale of the present establishment, possession of which to be given as soon as the new building may be completed, and report the same to the next legislature subject to their approbation.

*Resolved*, That the keeper and agent of the penitentiary ought in future, to be elected annually by a joint vote of both branches of the general assembly.

*From the Senate,*

J. BLEDSOE,  
JOHN FAULKNER.

*From the House of Representatives,*

C. S. TODD,  
ROBT. BARRETT,  
GEORGE B. KNIGHT,  
JOSEPH THOMA,  
THOS. DOLLERHIDE,  
N. S. DALLAM.

The resolutions were adopted, and the committee directed to report a bill pursuant thereto.

And after a short time, Mr. Bledsoe reported a bill, which was read the first time.

The rule being dispensed with, it was read a second and third time (having been engrossed).

*Resolved*, That the said bill do pass, and that the title be "an act concerning the penitentiary."

*Ordered*, That Mr. Fleming do carry said bill to the house of representatives, and request their concurrence.

A message from the house of representatives, by Mr. Rennick:

*Mr. Speaker*—The house of representatives have passed bills from the senate of the following titles, to wit: An act for the benefit of Lawrence Flournoy; an act to amend the act concerning occupying claimants of land; an act for the benefit of the heirs of John Marshall and others; and an act establishing certain inspections, with amendments to the three latter, in which they request the concurrence of the senate.

And then he withdrew.

The amendments to the two former were taken up, twice read and concurred in.

*Ordered*, That Mr. Fleming inform the house of representatives thereof.

The latter bill, with the amendments, was ordered to be laid on the table until the 10th day of March next.

A message from the house of representatives, by Mr. Baylor:

*Mr. Speaker*—The house of representatives concur in the amendments proposed by the senate upon concurring in those proposed by the house of representatives to a bill entitled "an act providing for the collection of part of the revenue of Fayette county for the year 1817."

And then he withdrew.

*Ordered*, That the public printers forthwith print 400 copies of said bill for the use of the members of the legislature.

Mr. Jones read and laid on the table the following resolution, to wit:

*Resolved by the general assembly of the commonwealth of Kentucky*, That the acting governor be, and he is hereby required forthwith to issue his proclamation, forbidding all persons from settling on or taking possession of any part of the vacant lands within the limits of the tract of country lately acquired by the treaty made by Andrew Jackson and Isaac



Shelby with the Chickasaw Indians. And all persons who are now settled upon, or may hereafter offend against the said proclamation, shall be deemed trespassers, and be subjected to such penalties as shall hereafter be prescribed by law. The said proclamation shall be published six months in the paper published by the public printers of this commonwealth, and in the newspaper printed at Hopkinsville. And the acting governor is hereby requested and authorised to employ any portion of the militia, to remove unauthorised intruders on the said vacant lands, if necessary.

A message from the house of representatives, by Mr. M'Millan :

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act concerning the Estill academy ;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time ; and the rule being dispensed with, it was read a second and third time.

*Resolved*, That the said bill do pass, and that Mr. Mason inform the house of representatives thereof.

Mr. Bledsoe read and laid on the table the following resolution, to wit :

*Resolved by the general assembly of the commonwealth of Kentucky*, That the commissioners appointed by an act entitled “an act to suspend the act for the improvement of internal navigation,” be directed, in making out their report for the present year, to note, as far as practicable, the amount of exports, and the kind and value, of the articles exported down the several rivers to which they are appointed.

*Resolved*, That the wardens of the ports of Louisville, Maysville and Smithland be directed to make a like report of articles the growth or manufacture of this commonwealth, during the present year, so far as the same may be shipped from said ports ; and also report the amount, as above, of all produce shipped between the said ports, and above Maysville, and below Smithland, from this state ; together with the amount of all imports, as far as practicable. All the said reports to extend back, so far as information can be collected, to the commencement of the present year.

The rule being dispensed with, the resolution was taken up, twice read and adopted.

*Ordered*, That Mr. Bledsoe acquaint the house of representatives therewith, and request their concurrence.

Mr. Davidge presented the report of Richard Taylor, one of the commissioners for improving the navigation of the

Kentucky river, of the estimate of exports from his warehouse on the Kentucky river, for the year 1818; which report was taken up and read as follows, to wit:

## AN ESTIMATE

*Of the Exports from the Warehouses in Frankfort and Leestown, during the year 1818, by the Kentucky river.*

From the warehouse at Leestown: 10,350 bls. flour, 1374 whiskey, 1984 beef and pork, 10 hhds. tobacco, 500 bls. lard, 427 manufactured tobacco, 1000 pieces bagging, 1568 coils bale rope, 7 cables, 20,000 lbs. bacon, 1183 boxes candles, 1800 do. soap, 965 reams of paper, 800 kegs powder.

On hand: 1000 bls. flour, 20 whiskey, 300 beef and pork, 22 hhds. tobacco, 150 bls. lard, 100 manufactured tobacco, 500 pieces bagging, 3000 coils bale rope, 1 cable, 80 boxes candles.

From Lewis' warehouse: 3000 lbs. flour, 700 whiskey, 300 beef and pork, 250 hhds. tobacco, 100 bls. lard, 100 manufactured tobacco, 500 pieces bagging, 200 coils bale rope.

On hand—Not known.

From Hunter and Armstrong's warehouse: 240 bls. flour, 54 whiskey, 25 manufactured tobacco, 186 coils bale rope, 4 cables, 4 spun yarn, 10,000 lbs. bacon.

TOTAL—14,390 bls. flour, at 6 dollars,	\$ 87,540
2,148 do. whiskey, at 50 dollars,	1,074
2,584 do. beef and pork, at 15 dollars,	38,760
232 hhds. tobacco, at 50 dollars,	14,100
750 bls. lard, at 20 dollars,	15,000
642 man'd. tobacco, at 30 dollars,	19,260
1,800 pieces bagging, at 15 dollars,	27,000
4,954 coils bale rope, at 10 dollars,	49,540
12 cables, at 250 dollars,	3,000
4 spun yarn, at 100 dollars,	400
30,000 lbs. bacon, at 10 dollars,	30,000
1,263 boxes candles, at 10 dollars,	12,630
1,800 do. soap, at 10 dollars,	18,000
965 reams of paper, at 4 dollars,	3,860
800 kegs of powder, at 50 dollars,	4,000

Total value, \$ 324,164

From Frankfort to the mouth of the Kentucky river, there are five warehouses, estimated to contain 2,450 hhds. of tobacco, worth, at 50 dolls. 122,500

Total amount of exports, \$ 446,664

*Note*—Much has been exported by citizens and merchants from private store-houses.

*Imported into two of the above Warehouses and into Frankfurt, viz. at Leestown and Hunter & Armstrong's, and by merchants, &c.*

135 blhs. sugar, at 200 dollars,	\$7,000
3,456 bls. salt, at 10 dollars,	34,560
100 tons iron, at 250 dollars,	25,000
234 boxes salmon, at 30 dollars,	6,020
34 bls. fish, at 25 dollars,	850
57 crates earthen ware,	4,000
1 pipe wine,	700
10 bls. pecanes, at 12 dollars,	120
10 bls. nails, at 20 dollars,	200
740 bls. porter,	11,100
74 tons of dry goods and groceries,	222,000

Total value of imports, \$312,630

A message from the house of representatives, by Mr. McKee :

Mr. Speaker—The house of representatives concur in the 1st, 2d, 3d, 4th, 5th, 6th and 8th amendments proposed by the senate to a bill entitled “an act for the appropriation of money,” with amendments; and they disagree to the 7th and 9th amendments: in which amendments they request the concurrence of the senate.

And then he withdrew.

The said amendments were taken up, twice read and concurred in.

*Resolved*, That the senate insist on their 7th and 9th amendments to said bill.

*Ordered*, That Mr. Bledsoe inform the house of representatives thereof.

On the motion of Mr. Barry, leave was given him to report a bill to amend the act to appoint a sergeant for the court of appeals; which was read the first time.

And the question being taken on reading the said bill a second time, it was resolved in the negative; and so the said bill was rejected.

Messrs. Yancey, Given and Slaughter, from the joint committee of enrollments, reported that they had examined sundry enrolled bills of the following titles, to wit: An act authorising suits against heirs and devisees in certain cases, and limiting the time of bringing suits against executors and administrators; an act further to regulate the disposition of the records of the supreme court for the district of Kentucky; an act for the benefit of William Dunning and Elizabeth

Nall; an act further to regulate the town of Germantown, in the counties of Mason and Bracken; an act for the benefit of the infant heirs of James Hughes and Moses Hawkins, deceased; an act for the benefit of the sheriff of Hardin county, and for other purposes; an act for the benefit of Samuel May; an act establishing an academy in the county of Livingston; an act for the benefit of Margaret Swim and Jane Berry; an act directing the clerk of Mason county to transcribe a certain record book; an act to incorporate the Southern College of Kentucky, the College of Urania, and the Western College of Kentucky; an act authorising the county court of Muhlenburg to dispose of part of their public ground; an act for the benefit of James Sammons; an act supplemental to the act establishing the county of Owen; an act for the relief of the administrators of Reuben Underwood and the heirs of Spencer Gill; an act providing for the navigation of Pond river; an act for the benefit of the heirs of Christopher Hardwick; an act for the benefit of James Williams; an act incorporating the Lexington Athenæum; an act establishing and regulating certain towns in this commonwealth; an act for the relief of Patsey Bohannon; an act for the benefit of the Union academy; an act to amend the act entitled an act respecting the conveyance, and also the division of the real estate of William Kennedy, Benjamin Beall and Jennette H. Beall, late of the county of Campbell; an act authorising the county court of Palaski to make additions to the town of Somerset; an act providing for the change of venue in the case of David H. Campbell; an act for the benefit of the heirs of John Marshall; an act for the benefit of Rebecca Gill; an act for the benefit of Lawrence Flournoy; an act to amend an act entitled an act to amend an act concerning occupying claimants of land; an act extending the terms of the Bath circuit court; an act supplemental to an act altering the mode of taking in lists of taxable property; an act to extend the limits of the town of Perryville; an act for the benefit of Catherine Amis, Agness Snider, Rebecca Mitchell and John Hole; an act to incorporate the Louisville Steam-Mill Company; an act concerning the Kentucky academy; and had found the same truly enrolled.

Message from the house of representatives, by Mr. Johnston.

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker. And then he withdrew.

Whereupon the speaker signed the said bills, being the same reported to-day by the committee of enrolments, and they were delivered to the joint committee, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Yancey reported that they had performed that duty.

The senate received information from the lieutenant governor, by Mr. Secretary Pope, that he did on to-day approve and sign sundry enrolled bills which originated in the senate, of the following titles, to wit: An act authorising the county court of Muhlenburg to dispose of part of their public ground; an act for the benefit of James Sammons; an act for the benefit of Union academy; an act for the relief of Patty Bohannon; an act authorising the county court of Pulaski to make additions to the town of Somerset; an act to amend the act entitled an act respecting the conveyance, and also the division of the real estate of William Kennedy, Benjamin Beall and Jennette H. Beall, late of the county of Campbell; an act for the benefit of James Williams; an act for the benefit of the heirs of Christopher Hardwick; an act providing for the navigation of Pond river; an act for the relief of the administrators of Reuben Underwood and the heirs of Spencer Gill; an act providing for a change of venue in the case of David H. Campbell; an act to incorporate the Southern College of Kentucky, the College of Urania, and the Western College of Kentucky; an act establishing an academy in the county of Livingston; an act for the benefit of the infant heirs of James Hughes and Moses Hawkins, deceased; an act further to regulate the town of Germantown, in the counties of Mason and Bracken; an act for the benefit of Samuel May; an act for the benefit of the sheriff of Hardin county, and for other purposes; an act to incorporate the Lexington Athenæum; an act directing the clerk of Mason county to transcribe a certain record book; an act for the benefit of Margaret Swin and Jane Berry; and an act establishing and regulating certain towns in this commonwealth.

*Ordered*, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Crittenden:

Mr. *Speaker*—The house of representatives have passed bills from the senate of the following titles, to wit: An act to incorporate a company to improve the navigation of Elk-horn; and an act to amend the act to incorporate the Fayette



and Madison turnpike company, and for other purposes, with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were taken up, severally twice read and concurred in.

*Ordered*, That Mr. Barry inform the house of representatives thereof.

A message from the house of representatives, by Mr. McKee :

*Mr. Speaker*—The house of representatives adhere to their disagreement to the seventh amendment proposed by the senate to a bill entitled “an act for the appropriation of money,” and they recede from their disagreement to the ninth amendment.

And then he withdrew.

The seventh amendment was again read.

*Resolved*, That the senate recede from said amendment.

*Ordered*, That Mr. Yancey inform the house of representatives thereof.

Mr. Mason, from the majority in a vote taken on a previous day of the session, rejecting the nomination of James Baskett, as sheriff of Nicholas county, moved to re-consider the vote, and it was resolved in the affirmative.

The nomination was again taken up and read.

*Resolved*, That the senate advise and consent to the said appointment, and that Mr. Fleming acquaint the lieutenant governor therewith.

A message from the house of representatives, by Mr. Underwood :

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act for the benefit of the heirs of Philip Barbour, deceased, and the administrators of Jennings M<sup>r</sup>. Daniel's estate ;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time ; and the rule being dispensed with, it was read a second and third time.

*Resolved*, That the said bill do pass, and that Mr. Yancey inform the house of representatives thereof.

The senate received information from the lieutenant-governor by Mr. Waggener, that he did on to-day approve and sign sundry enrolled bills which originated in the senate, of the following titles, to wit : An act extending the terms

of the Bath circuit court ; an act supplemental to an act altering the mode of taking in lists of taxable property ; an act to amend an act entitled an act to amend an act concerning occupying claimants of land ; an act for the benefit of Lawrence Flournoy ; an act for the benefit of Catherine Amis, Agness Snider, Rebecca Mitchell and John Hole ; an act to extend the limits of the town of Perryville ; an act for the benefit of the heirs of John Marshall ; an act for the benefit of Rebecca Gill and others ; and an act to incorporate the Eddyville Steam-Mill Company.

*Ordered*, That the clerk inform the house of representatives thereof.

A message from the house of representatives, by Mr. Lockett :

*Mr. Speaker*—The house of representatives have passed a bill entitled “an act establishing the town of Francesburg, in Union county ;” in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time ; and the rule being dispensed with, it was read a second and third time.

*Resolved*, That the said bill do pass, and that Mr. Yancey inform the house of representatives thereof.

And then the senate adjourned.

### WEDNESDAY, FEBRUARY 10, 1819.

The senate assembled.

A message from the house of representatives, by Mr. Coombs :

*Mr. Speaker*—The house of representatives have passed a bill from the senate entitled “an act to extend the June term of the Hardin circuit court, and to alter the time of holding the June term of the Nelson circuit court,” with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were taken up and severally read ; and Mr. Crutcher moved to strike out the third amendment, which was read as follows, to wit :

§ 4. *Be it further enacted*, That the law requiring the circuit judges to reside within their respective districts, be suspended for one year, as to the judge of the 6th district.

And the question being taken thereon, it was resolved in the negative—Yeas 14, nays 16.

The yeas and nays being required thereon by messrs. Wickliff and Bledsoe, were as follows, to wit :

Those who voted in the affirmative, are, Mr. Speaker, and messrs. Bartlett, Bridges, Churchill, Crutcher, Davidge, Ford, Given, Harrison, Jones, Mason, Wickliff, Wilson and Worthington.

Those who voted in the negative, are, messrs. Barry, Bledsoe, Davidson, Faulkner, Fleming, Griffin, Hardin, Johnson, Owens, Slaughter, South, Southgate, Taylor, Thompson, Wood and Yancey.

Mr. Wickliff then moved to lay the bill, with the amendments, on the table until the first day of May next; and the question being taken thereon, it was resolved in the negative—Yeas 11, nays 18.

The yeas and nays being required thereon by messrs. Churchill and Crutcher, were as follows, to wit :

Those who voted in the affirmative, are, messrs. Bartlett, Churchill, Crutcher, Davidge, Ford, Given, Griffin, Harrison, Mason, Wickliff and Worthington.

Those who voted in the negative, are, Mr. Speaker, and messrs. Barry, Bledsoe, Bridges, Davidson, Faulkner, Fleming, Hardin, Johnson, Jones, Owens, Slaughter, South, Southgate, Taylor, Thompson, Wood and Yancey.

The amendments were then concurred in.

*Ordered*, That Mr. Fleming inform the house of representatives thereof.

A message from the house of representatives, by Mr. Scott :

Mr. *Speaker*—The house of representatives adhere to their amendment to a bill from the senate, entitled "an act providing for a change of venue in the case of Francis and Sandefur Petty."

And then he withdrew.

On the motion of Mr. Owens,

*Ordered*, That a message be sent to the house of representatives, to solicit a conference concerning the disagreement of the two houses concerning the said amendment; and that Mr. Owens do carry said message.

A message from the house of representatives, by Mr. Booker :

Mr. *Speaker*—The house of representatives have agreed to have a conference concerning the disagreement of the two houses relative to the amendments proposed by the house of

representatives to a bill entitled "an act providing for a change of venue in the case of Francis and Sandefur Petty," and have appointed a committee on their part.

And then he withdrew.

Whereupon messrs. Owens, Barry and Churchill were appointed a committee on the part of the senate.

And after a short time, Mr. Owens, from the committee, reported that they had come to the following resolution thereupon, to wit: That the senate recede from their disagreement to the amendment proposed by the house of representatives, and concur in the same with an amendment, to wit: Strike out "Wayne," wherever it occurs in the bill, and insert "Pulaski."

Which report was concurred in.

Ordered, That Mr. Owens inform the house of representatives thereof.

A message from the house of representatives, by Mr. T. Ward:

Mr. *Speaker*—The house of representatives concur in the amendments proposed by the senate to a bill entitled "an act to regulate the fees of the justices of the peace of this commonwealth."

And then he withdrew.

A message from the house of representatives, by Mr. Crittenden:

Mr. *Speaker*—The house of representatives have passed a bill entitled "an act further to regulate the proceedings of the Fayette circuit court;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was read the first time, and ordered to be laid on the table until the 10th day of June next.

A message from the house of representatives, by Mr. Scott:

Mr. *Speaker*—The house of representatives have passed a bill from the senate, entitled "an act authorising an addition to the town of Burksville."

And then he withdrew.

A message from the house of representatives, by Mr. Knight:

Mr. *Speaker*—The house of representatives have passed a bill entitled "an act for the benefit of William Littell;" in which they request the concurrence of the senate.

And then he withdrew.

The said bill was taken up and read the first time; and the rule being dispensed with, it was read a second and third time.

*Resolved*, That the said bill do pass, and that Mr. Yancey inform the house of representatives thereof.

Mr. Churchill, from the majority in a vote given on yesterday, rejecting a bill to amend an act entitled "an act appointing a sergeant of the court of appeals," moved to reconsider the vote, and it was resolved in the affirmative.

The said bill was read a second time and amended at the clerk's table. The rule being dispensed with, it was read a third time (having been engrossed).

*Resolved*, That the said bill do pass, and that the title be "an act to amend an act appointing a sergeant of the court of appeals."

*Ordered*, That Mr. Bledsoe do carry said bill to the house of representatives, and request their concurrence.

A message from the house of representatives, by Mr. Booker :

*Mr. Speaker*—The house of representatives concur in the amendments proposed by the senate upon concurring in those proposed by the house of representatives to a bill entitled "an act providing for a change of venue in the case of Francis and Sandefur Petty."

And then he withdrew.

A message from the house of representatives, by Mr. McKee :

*Mr. Speaker*—The house of representatives have passed a bill from the senate, entitled "an act to amend an act appointing a sergeant to the court of appeals."

And then he withdrew.

A message from the house of representatives, by Mr. Johnston :

*Mr. Speaker*—The house of representatives concur in the amendments proposed by the senate to a bill entitled "an act concerning certain offences committed by slaves, and giving the circuit courts jurisdiction of the trial of slaves for capital offences."

And then he withdrew.

Messrs. Yancey and Churchill, from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit: An act to regulate the fees of the justices of the peace of this commonwealth; an act authorising an addition to the town of Burksville; an act to extend the June term of the Hardin circuit court, and to alter the time of holding the June term of the Nelson circuit court, and for other purposes; an act providing for a change of venue in the case of Francis and Sandefur Petty; an act to



amend an act appointing a sergeant of the court of appeals ; an act for the benefit of the heirs of Philip Barbour, deceased, and the administrators of Jennings M'Daniel's estate ; an act to amend an act entitled an act to incorporate the Fayette and Madison turnpike company, and for other purposes ; an act establishing the town of Francesburg, in Union county ; an act for the appropriation of money ; and had found the same truly enrolled.

A message from the house of representatives, by Mr. Johnston :

*Mr. Speaker*—The speaker of the house of representatives having signed sundry enrolled bills, I am instructed to lay the same before the senate, for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed said bills, and they were delivered to the joint committee, to be presented to the lieutenant-governor for his approbation. And after a short time, Mr. Yancey, from the committee, reported that they had performed that duty.

The senate received information from the lieutenant governor, by Mr. Secretary Pope, that he did on to-day approve and sign sundry enrolled bills which originated in the senate, of the following titles, to wit: An act to incorporate a company to improve the navigation of Elkhorn ; an act to amend an act entitled an act to incorporate the Fayette and Madison turnpike company, and for other purposes ; an act for the benefit of the heirs and devisees of Andrew Todd ; an act to extend the June term of the Hardin circuit court, and to alter the time of holding the June term of the Nelson circuit court, and for other purposes ; an act authorising an addition to the town of Burksville ; an act to amend an act entitled an act appointing a sergeant of the court of appeals ; and an act providing for a change of venue in the case of Francis and Sandefur Petty.

*Ordered*, That the clerk inform the house of representatives thereof.

They also received a message in writing : and the rule being dispensed with, it was taken up and read as follows, to wit:

*Gentlemen of the Senate,*

I nominate for your advice and consent, George Britton and Abner Lewis, assistant judges in and for the county of Harlan.

GADL. SLAUGHTER.

February 10th, 1819.

*Resolved*, That the senate advise and consent to the said appointments.

*Ordered*, That Mr. Owens acquaint the lieutenant governor therewith.

*Ordered*, That a message be sent to the house of representatives, to inform them that the senate have finished their legislative business, and are now ready to adjourn without day; and that Mr. Fleming do carry said message.

A message from the house of representatives, by Mr. Baylor :

*Mr. Speaker*—I am directed by the house of representatives to inform the senate that they have finished their legislative business, and are now ready to adjourn without day; and have appointed a committee on their part, to co-operate with one from the senate, to wait on the lieutenant governor, to know of him whether he has any further communications to make.

And then he withdrew.

Whereupon Messrs. Fleming, Taylor and Owens were appointed a committee on the part of the senate, to wait on the executive.

The committee retired, and after a short time returned, when Mr. Fleming reported, that the committee had performed the duty assigned them, and were informed by the lieutenant governor, that having from time to time during the session given his views to the legislature, he had now no further communications to make.

A message from the house of representatives, by Mr. Hardin :

*Mr. Speaker*—The house of representatives are now ready to adjourn: and they propose that the members of the two houses shall meet in the passage, form a procession and march out in order.

And then he withdrew.

Whereupon the Speaker having delivered a valedictory address, adjourned the senate without day.

The Speaker having retired, Mr. Owens was requested to take the chair, when Mr. Bledsoe offered the following resolution :

*Resolved by the Senate of Kentucky*, That the thanks of this body are due to William B. Blackburn, Esq. for the prompt, able and impartial manner in which he has discharged the duties of speaker during the present session.

Which was unanimously adopted.